

**RICHFIELD TOWNSHIP
ZONING ORDINANCE**

TOWNSHIP ORDINANCE #120

**Adopted
September 12, 2000**

**Effective
October 20, 2000**

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**RICHFIELD TOWNSHIP
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TOWNSHIP ORDINANCE #120

**Adopted
September 12, 2000**

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October 20, 2000**

TITLE	1.1
PREAMBLE	1.1
ENACTING CLAUSE	1.1
ARTICLE I - SHORT TITLE	1.1

**RICHFIELD TOWNSHIP ZONING ORDINANCE
TOWNSHIP ORDINANCE #120
TOWNSHIP OF RICHFIELD
GENESEE COUNTY, MICHIGAN**

TITLE

AN ORDINANCE enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of the Township of Richfield, Genesee County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semi public or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; to provide for proper consideration of environmental factors; and for said purposes to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions, and boundaries of such districts; to establish a Board of Appeals; and to impose penalties for the violation of this ordinance.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such cases, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character and the social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; by preventing overcrowding of the land and undue congestion of population; by providing adequate light, air, and reasonable access; and by facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan and its goals and objectives; now therefore:

ENACTING CLAUSE

The Township of Richfield Ordains:

ARTICLE I - SHORT TITLE

This Ordinance shall be known and may be cited as the Richfield Township Zoning Ordinance.

**ARTICLE II
CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

SECTION 200. CONSTRUCTION OF LANGUAGE **2.1**

SECTION 201. DEFINITIONS **2.1**

ARTICLE II
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 200. CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance:

- 200-1 The particular shall control the general.
- 200-2 In the case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- 200-3 The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- 200-4 Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 200-5 A "building" or "structure" includes any part thereof.
- 200-6 The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
- 200-7 The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- 200-8 Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provision or events connected by the conjunction "and", "or", "either...or", such conjunctions shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 200-9 Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 201. DEFINITIONS

For the purpose of this ordinance, terms not herein defined shall have the meaning customarily assigned to them; and certain terms or words used herein shall be interpreted as follows:

201-1 Accessory Use, or Accessory.

A use which is clearly incidental to, and customarily found in connection with and, unless otherwise specified, located on the same zoning lot, as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

- a. Swimming pools for the use of the occupants of a residence, or their guests.
- b. Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure, except that in RRA and SRA Districts barns, sheds, tool rooms and similar structures shall be deemed principal structures.
- c. Storage of merchandise normally carried in stock in connection with a business or industrial use unless such storage is excluded by applicable district regulation or other local, state or federal regulations.
- d. Storage of goods used in or produced by an industrial use and related activity unless such storage is excluded by applicable district regulations or other local, state or federal regulations.
- e. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations set forth in ARTICLE XVI for the district in which the zoning lot is located.
- f. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex. Any use which is not expressly prohibited in the district in which it is located and which does not occupy more than ten (10) percent of the floor area of the use to which it is accessory shall be deemed to be incidental to the principal use.
- g. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- h. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

201-2 Adult.

An adult is any person eighteen (18) years of age or older.

Adult Foster Care Congregate Facility.

Means a facility licensed under PA 218 of 1979 to provide foster care for more than 20 adults.

Adult Foster Care Family Home.

Means a private residence licensed under PA 218 of 1979 for six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive

weeks. The adult foster care family home licensee is a member of the household and an occupant of the residence.

Adult Foster Care Large Group Home.

Means a facility licensed under PA 218 of 1979 to provide foster care for at least 13 but not more than 20 adults.

Adult Foster Care Medium Group Home.

Means a facility licensed under PA 218 of 1979 to provide foster care for at least seven but not more than 12 adults.

Adult Foster Care Small Group Home.

Means a facility licensed under PA 218 of 1979 to provide foster care for six or fewer adults.

201-3 Airport.

An area of land designed and set aside for the landing and take-off of heavier than air fixed and movable wing aircraft.

201-4 Alley.

Any dedicated public or private way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

201-5 Alterations.

Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders the consummated act of which may be referred to herein as altered or reconstructed.

201-6 Amusement Park

A commercially operated enterprise that offers rides, games and other forms of entertainment.

201-7 Animal Feed Lot.

An animal feed lot shall be any fenced area where animals are concentrated and fed. A fenced area shall be deemed an animal feed lot if the existing or proposed concentration of animals therein results in the emission of odors which are discernible on property located more than 500 feet from said fenced area

- 201-8 **Antique Personal Property.**
Anything more than twenty-five (25) years old that is personal property as opposed to real property.
- 201-9 **Apartments.**
A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.
- 201-10 **Apartment Building.**
A building containing at least three (3) independent residential living units.
- 201-11 **Arcade.**
Any premises open to the public wherein are assembled three (3) or more mechanical or electronic amusement devices operated for information, or for use as a game, amusement, or contest of any description.
- 201-12 **Arterial.**
An arterial road is a road which is intended to serve as a large volume trafficway for both the immediate area and the region beyond. Arterials are identified in the Richfield Township Comprehensive Plan.
- 201-13 **Automobile Filling Station.**
A place for the dispensing, selling or offering for sale automotive fuels directly to users of motor vehicles, together with the sale of minor accessories, but not including any automotive repair or installation of accessories.
- 201-14 **Automobile Parts and Accessory Store.**
Automobile parts and accessory stores are establishments whose principal business activity is the sale of automobile parts and accessories and, where specifically permitted under the district regulations of this Ordinance, the installation of automobile parts and accessories, and whose business activity does not include the sale of motor vehicle fuels.
- 201-15 **Automobile Service Station.**
An automobile service station is an automobile filling station which also provides automotive parts, automotive tune-ups and minor repairs and adjustments for batteries, electrical systems, brakes, mufflers, tires, wheel balancing and alignments, and shock absorbers and similar motor vehicle components. It does not provide major automobile repair or body work.

201-16 **Bar.**

A bar is an establishment or a part of an establishment for which the principal attraction is the

sal

201-17 **Basement.**

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

201-18 **Bed And Breakfast.**

A Bed and Breakfast is a single family residential structure which is occupied on a permanent basis by the owner which provides short-term lodging and meals. A Bed and Breakfast differs from a boarding house and rooming house due to the fact that bed and breakfasts are limited to short-term lodging.

201-19 **Berm.**

A landscaped earth mound used to provide transition between two parcels or land uses.

201-20 **Block.**

Land bounded on all sides by streets or other transportation routes such as railroad lines, or physical barriers such as water bodies or public open space.

201-21 **Boarding House.**

Boarding houses, are any single-family residential structure which is occupied on a permanent basis by a family or household which rents rooms therein to individuals and/or families on a daily, weekly or monthly basis. Rooms rented shall not be provided with their own direct access to the exterior. Rented rooms which are provided with their own access shall be deemed to be apartments. A boarding house differs from a rooming house in the fact that meals are provided to the renter, and differs from a Bed and Breakfast in the fact that a boarding house may provide long-term lodging.

201-22 **Board of Zoning Appeals.**

The Richfield Township Board of Zoning Appeals established pursuant to ARTICLE XX of this Ordinance.

201-23 **Buildable Area.**

The buildable area of a lot shall be an area which is free of all public rights-of-way, all private road easements, all environmentally sensitive areas (as established under the requirements of Section 1712 of this Ordinance), and any public utility easements which shall place limitations on overhead, surface or underground use or development. Local service easements which provide service directly to a lot and common drainage easements serving a lot or the

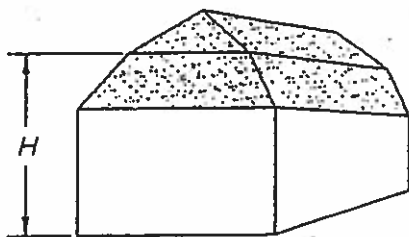
subdivision in which a lot is located shall not be excluded from the calculations of the minimum buildable area for that lot. It shall be of such configuration as to permit construction of a home and placement of an initial and a replacement septic field thereon.

201-24 **Building.**

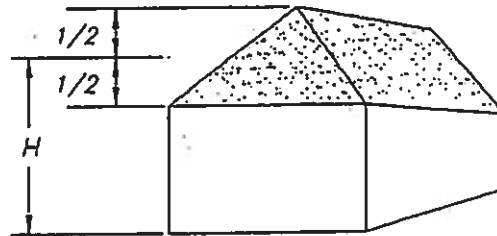
Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

201-25 **Building Height.**

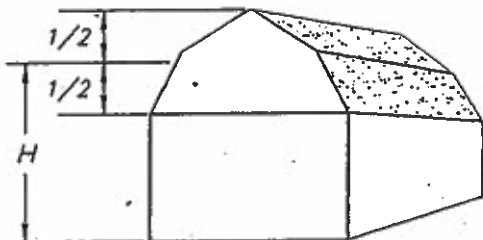
The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs.



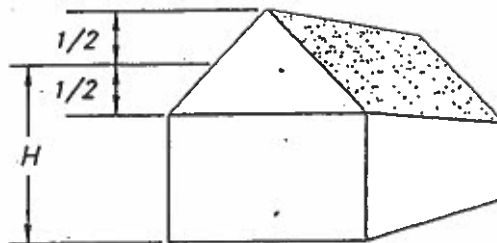
MANSARD ROOF



HIP ROOF



GAMBREL ROOF

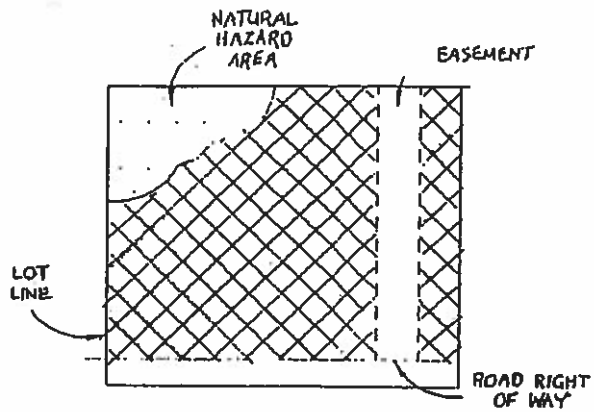


GABLE ROOF

H = HEIGHT OF BUILDING

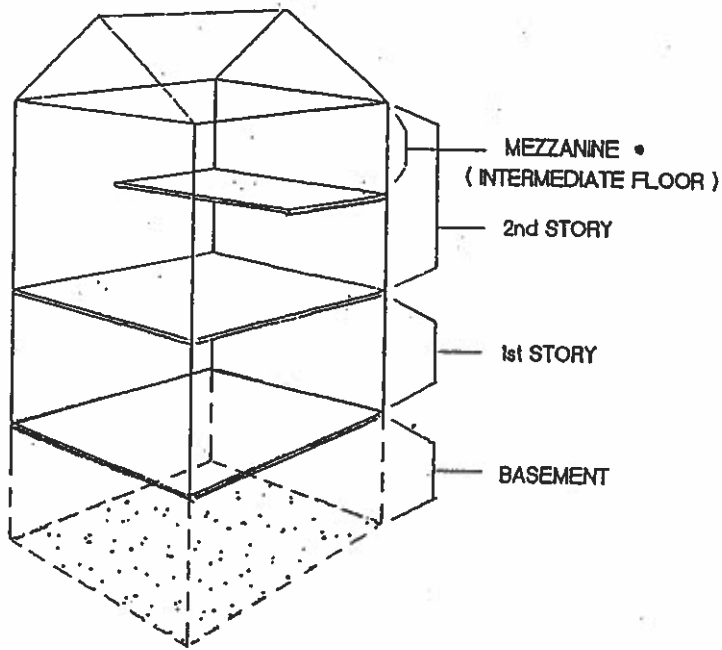
BUILDING HEIGHT

BUILDABLE AREA



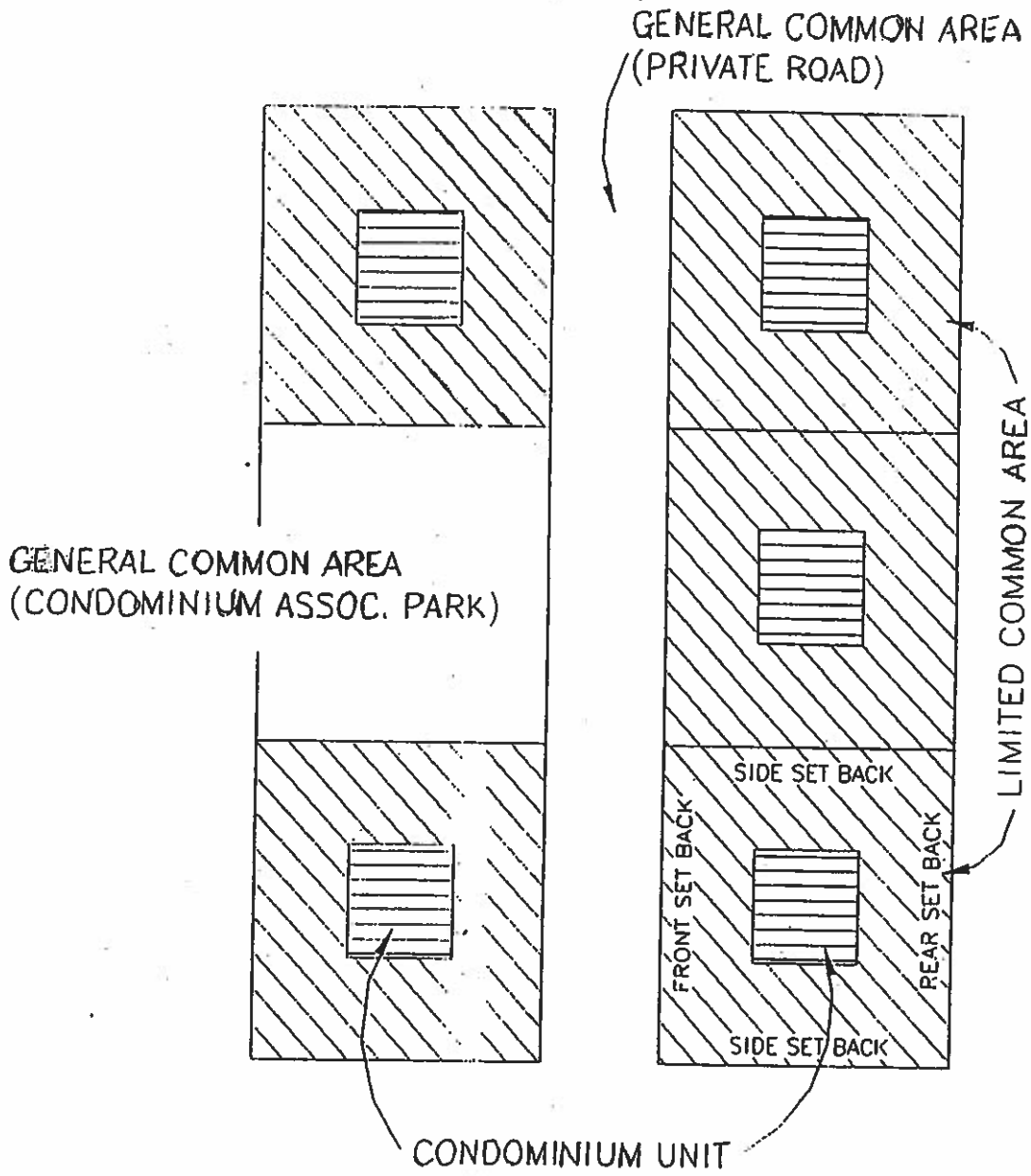
 BUILDABLE AREA

BASIC STRUCTURAL TERMS



• NOT TO EXCEED 1/3 OF FLOOR AREA OF STORY WITHIN WHICH IT EXISTS

SITE CONDOMINIUM TERMS



CONDOMINIUM UNIT + LIMITED COMMON AREA = LOT

TOWNSHIP ORDINANCE # 120
ARTICLE II: CONSTRUCTION OF LANGUAGE AND DEFINITIONS

- 201-26 **Building Line.**
A line formed by the face of the building. For purposes of this Ordinance the building line shall be set back a distance equal to the minimum required front setback..
- 201-27 **Cabaret.**
A cabaret is a bar or restaurant which provides musical or other entertainment and/or space for dancing by patrons.
- 201-28 **Child Care Center.**
Means a facility other than a private home in which one or more children are received for care and supervision.
- 201-29 **Churches and Other Houses of Worship.**
Churches and other houses of worship shall be buildings primarily intended for the regular gathering of worshipping congregations.
- 201-30 **Club.**
An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like.
- 201-31 **Collector, Rural.**
A road which is intended to serve as a moderate volume traffic way for the immediate area. Rural collectors are identified in the Richfield Township Comprehensive Plan .
- 201-32 **Convalescent or Nursing Home.**
A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.
- 201-33 **Cul - de - sac.**
A street terminated at one end, with a turning radius.
- 201-34 **Decorative Fence.**
An accessory structure which is not intended for use as a barrier or obscuring screen, does not promote privacy or security, but is intended only for aesthetic purposes.
- 201-35 **Development.**
The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land or a structure for a new use.

- 201-36 **District.**
A portion of the area under Township jurisdiction within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.
- 201-37 **Drive-Through Facility.**
The portion of a business establishment so developed and operated as to permit servicing of patrons inside an automobile and/or outside the walls of a building.
- 201-38 **Dwelling Units.**
A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities and sanitary facilities.
- 201-39 **Dwelling, Single-Family Attached.**
A building or dwelling unit designed exclusively for and occupied by one (1) family, and which has one or more common walls connecting it to one or more other such buildings or dwelling units.
- 201-40 **Dwelling, Single-Family Detached.**
A building or dwelling unit designed exclusively for and occupied exclusively by one (1) family, and which has no common walls connecting it to one or more such buildings or dwelling units.
- 201-41 **Dwelling, Two-Family Duplex.**
A structure containing two single-family attached dwelling units.
- 201-42 **Dwelling, Multiple-Family.**
A building, or a portion thereof, designed exclusively for occupancy by at least three (3) families living independently of each other. Multiple-family dwelling shall include single-family attached buildings and apartment buildings.
- 201-43 **Dwelling, Underground.**
An underground building or dwelling unit designed for energy conservation and meets all B.O.C.A. code requirements.
- 201-44 **Erected.**
Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like, shall be considered a part of erection.

201-45 Family.

A family shall be deemed to be one of the following when living in a single dwelling unit:

- a. A single individual.
- b. A group of two or more persons related by blood, marriage or adoption.
- c. A group of up to six unrelated individuals operating as a single house keeping unit.

201-46 Family Day Care Home.

Means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year. (P.A. 116 1973 as amended)

201-47 Farm Structure.

A farm structure is a structure designed and used for typical agricultural industrial activities such as raising animals and fish or growing food commodities and includes a fence.

201-48 Fence.

A structure serving as an enclosure, barrier or boundary. Usually made of, but not limited to, posts, boards, wire or rails.

201-49 Floodplain.

That area of land adjoining a river or stream which will be inundated by a 100 year flood.

201-50 Floodway.

The areas of water conveyance or the flowing portion of the water course during a 100-year flood.

201-51 Floor Area, Gross.

Measurement of gross floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls, except that where interior parking and loading or unloading areas are provided such areas shall not be counted as part of the gross floor area.

- 201-52 **Floor Area, Net Usable.**
Measurement of the usable floor area shall be the gross floor area minus areas devoted to storage, to stairwells and elevator shafts, or to heat, ventilation, air conditioning and similar mechanical equipment.
- 201-53 **Food Store, Grocery Store.**
A grocery store is any general or specialized food store with a total floor area of 12,000 square feet or less.
- 201-54 **Food Store, Supermarket.**
A supermarket is any general or specialized food store with a total floor area of more than 12,000 square feet.
- 201-55 **Garage, Private.**
An accessory building (when not attached to the main building) or portion of a main building (when attached to the main building) designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.
- 201-56 **Garden Equipment and Supply Stores.**
A space, building or structure for the storage, display and sale of garden equipment and supplies including live trees, shrubs and plants. Such an area may also include products used for gardening and landscaping.
- 201-57 **Golf Course.**
A golf course is a facility which is primarily intended for playing golf and does not include a miniature golf course.
- 201-58 **Grade.**
The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- 201-59 **Group Day Care Home.**
Means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year. (P.A. 116 1973 as amended)

201-60 Hazardous Materials.

A chemical or other material which is or may be injurious to the public health, safety or welfare or the environment.

201-61 Hazardous Waste Disposal and Incineration Facilities.

Hazardous waste disposal and incineration facilities shall include any facility so designated by the State of Michigan pursuant to Part 111 of Act 451 of 1994, as amended, being the "hazardous waste management act."

201-62 Home Occupation.

An occupation, profession, activity or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

201-63 Hotel.

A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for the transient occupancy. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

201-64 Industrial Park. (Certified)

Certified Industrial Park means an area of land designated by the Michigan jobs commission as meeting the following requirements:

1. It contains not less than 40 acres of land.
2. It is zoned exclusively for use for eligible property.
3. It has a site plan or plat plan approved by the township.
4. The developer of the land agrees to comply with other requirements, not inconsistent with sub paragraphs 1 to 3, imposed upon property classified as a certified industrial park by the Michigan jobs commission under the certified industrial park program. Compliance with these other requirements is not a prerequisite to meeting the requirement of this subparagraph.

201-65 Junk Yard.

An open area where junk, used or secondhand materials, and/or equipment are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. Materials shall include but not be limited to: scrap iron and other metals, paper, rags, rubber, tires, glass, and bottles. Equipment shall include motor vehicles, boats, aircrafts, farm implements, and other similar equipment.

201-66 Kennel.

The keeping on or in any lot or building of five (5) or more dogs, cats, or other household pets which are more than six (6) months old for any purpose other than to provide medical care to the animals so kept.

201-67 Loading Space.

An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

201-68 Lot.

A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

201-69 Lot Area.

The total horizontal area within the lot lines of the lot.

201-70 Lot, Corner.

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot line meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

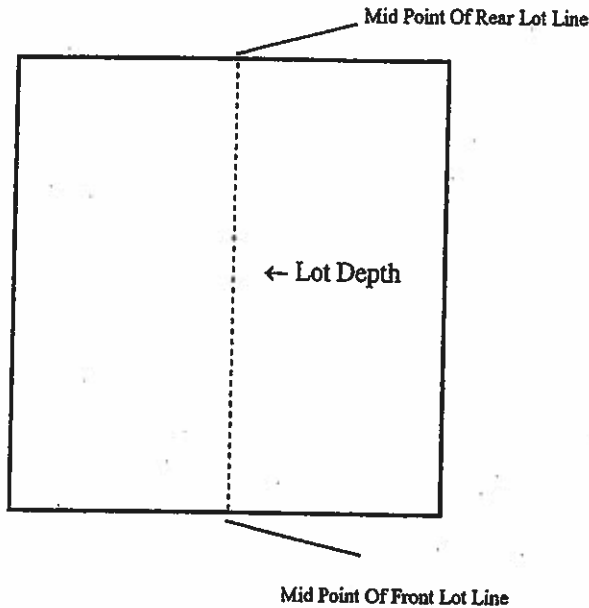
201-71 Lot Coverage.

The part or percent of the lot occupied by buildings including accessory buildings.

201-72 Lot Depth.

The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT DEPTH



201-73 **Lot, Interior.**

Any lot other than a corner lot.

201-74 **Lot Lines.**

The lines bounding a lot as defined herein:

- a. **Front Lot Line:** In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot or a through lot, those lines separating said lot from either street.
- b. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot the rear lot line shall be that line opposite the shortest front lot line.
- c. **Side Lot Line:** Any lot line other than the front lot line or rear lot line.

201-75 **Lot of Record.**

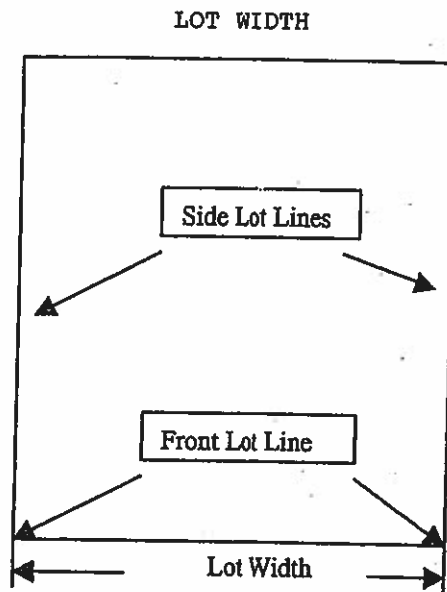
A parcel of land, the dimensions of which are shown on a document or map on file with the Genesee County Register of Deeds or in common use by Township or Genesee County Officials, and which actually exists as so shown, or any part of such parcel held in a record of ownership separate from that of which the remainder thereof is held.

201-76 **Lot, Through.**

Any lot having frontage on two more or less parallel streets as distinguished from a corner lot. A through lot may also be a corner lot.

201-77 **Lot Width.**

The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.



201-78 **Lot, Zoning.**

A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore may not necessarily coincide with a lot of record as filed with the Genesee County Register of Deeds, but may include one or more lots of record or may be part of a lot of record.

201-79 **Master Plan.**

The Richfield Township Comprehensive Plan adopted by the Township in accordance with P.A. 285 of 1931 as amended.

201-80 **Mezzanine.**

An intermediate floor in a building which contains a floor area which does not exceed one-third (1/3) of the ground floor area of said building.

201-81 **Minor.**

Any person under 18 years of age.

201-82 **Mobile Home.**

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a single family dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

201-83 **Motel.**

A series of attached semi-detached or detached rental units containing a bedroom, and sanitary facilities. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

201-84 **Nonconforming Building.**

A building or portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto, that does not conform to the provisions of this Ordinance in the district in which it is located.

201-85 **Nonconforming Use.**

A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, that does not currently conform to the provisions of the Ordinance in the district in which it is located.

201-86 **Nursery.**

A space, building or structure, or combination thereof, for the growing and storage of live trees, shrubs or plants for sale. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits or vegetables.

201-87 **Nuisance.**

An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent,

(m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of nonabutting street frontage by traffic, (p) litter.

201-88 Off-Street Parking Lot.

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

201-89 Ordinance.

This Richfield Township Zoning Ordinance and any amendments thereto.

201-90 Park.

Public or private land used for passive recreational enjoyment including accessory structures and uses such as playground equipment, pavilions, etc.

201-91 Parking Space.

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

201-92 Party Store.

A party store is any store which obtains more than twenty-five (25) percent of its gross revenues from the sale of packaged alcoholic beverages and/or which has more than twenty-five (25) percent of its gross floor area devoted to the display and/or sale of alcoholic beverages.

201-93 Plot Plan.

A sketch or plan of a plot of land or area showing current and/or future uses

201-94 Principal Structure.

The structure or structures which house the principal use or uses to which a zoning lot is devoted. A nonresidential structure which has more than fifteen (15) percent of its floor area occupied by accessory uses shall be deemed an accessory structure.

201-95 Principal Use.

Any use of a lot or structure which is not an accessory use and which is specifically included in the list of principal uses permitted by right or as special land uses in the district in which it is located or is permitted as a principal use pursuant to the provisions of SECTION 1711. A zoning lot and the structures thereon may be devoted to more than one principal use.

201-96 Property Line.

A property line is a line which delineates any separately recorded parcel or lot from any other separately recorded lot or parcel. A property line may or may not correspond with a zoning lot line.

201-97 Public Cultural Facilities.

A cultural facility owned and operated by a public entity such as the State of Michigan, Genesee County, Richfield Township or a local school board. Such facilities shall include libraries, museums and other similar facilities.

201-98 Recreational Vehicle or Unit.

Includes a tent or vehicular-type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: boats, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, horse trailers and similar equipment.

201-99 Restaurant, Drive-In.

A drive-in restaurant is any establishment or portion thereof where general or specialized foods, desserts, and beverages are sold in a ready-to-consume state for consumption by the patron in a motor vehicle parked on the premises in spaces provided for such a purpose.

201-100 Restaurant, Drive-Through.

A drive-through restaurant is any establishment or portion thereof where general or specialized foods, desserts, and beverages are sold in a ready to consume state, and whose method of operation involves serving patrons inside an automobile and/or outside the walls of a building but does not provide for the consumption of food on the site where served.

201-101 Restaurant, Fast-Food.

A fast-food restaurant is any establishment or portion thereof whose business is the sale of foods or beverages to the customer in a ready-to-consume state, and whose method of operation involves delivery of the prepared food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside the structure or on or off the premises.

201-102 Restaurant, Standard.

A standard restaurant is any establishment or portion thereof whose business is the sale of foods or beverages to the customer in a ready-to-consume state, and whose method of operation involves only the serving of the prepared food to the customer at tables or booths inside the structure or out.

201-103 Restoration Services.

A service provided to restore to an original condition.

201-104 Right-of-Way.

A right-of-way is full width of land dedicated to the public between the right-of-way lines or the property lines of parcels on opposite sides of the right-of-way.

201-105 Room.

For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

201-106 Rooming House.

A single family residential structure which is occupied on a permanent basis by the owner which provides short or long term lodging. rooms rented shall not be provided with their own direct access to the exterior. A rooming house differs from a boarding house in the fact that a rooming house does not provide meals.

201-107 Sanitary Land Fill.

A facility licensed under PA 641 of 1978, where garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes and crates, or otherwise offensive or obnoxious matter is kept for disposal. This excludes the spreading of sludge on farm fields for fertilizing purposes.

201-108 Section Line.

Those lines which encompass the outer limits of a Section of land as established by a survey of the Field Surveying Service of the U. S. General Land Office.

201-109 Section Line Road.

A section line road is any road which has its centerline running approximately along a section line.

201-110 Setback.

The distance required to obtain the minimum front, side or rear yard open space provisions of this Ordinance.

201-111 Sign.

The term sign shall have the meaning set forth in ARTICLE XV of this Ordinance.

201-112 Sign, Off - Site

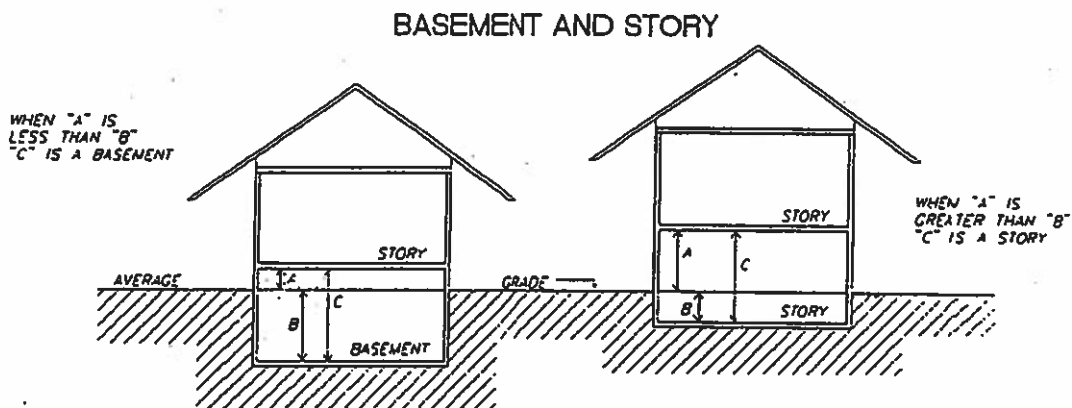
A sign which advertises a product or service not sold on the zoning lot where the sign is located.

201-113 Satellite Dish.

A dish type satellite receiving station.

201-114 Story.

That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.



201-115 Story, Half.

An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' - 6"). For the purpose of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

201-116 Street.

A dedicated public right-of-way or approved private road, other than an alley which affords the principal means of access to abutting property.

201-117 Street, Private.

A nondedicated right-of-way permitted by the Township only if specific standards and improvements requirements are so established and effected by the Township.

201-118 Structure.

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

201-119 Sub aqueous Area.

Any pond, lake, river, stream, marsh, swamp or other similar area.

201-120 Sub aqueous Area, High Water Elevation.

The high water elevation of a sub aqueous area shall be the highest of the following: 1) the highest known elevation reached by water as determined by an examination of soil and vegetative conditions, 2) the maximum water elevation caused by a 10-year storm event, or 3) the highest level established by law for bodies of water which have their levels established by law.

201-121 Swimming Pool.

Any permanent, nonportable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

201-122 Temporary Outdoor Sale.

Temporary outdoor sales are sales which are conducted as part of an existing commercial operation outside the walls or screen enclosed yards of the building which houses the sale proprietor. Such sales shall be for a period of time not longer than one (1) month and shall not be conducted by any one establishment or from any one business location more than two (2) times in any six month period. Temporary outdoor sales do not include residential yard sales or flea markets.

201-123 Temporary Use or Temporary Building.

A use or building permitted to exist during a specified period of time under conditions and procedures as provided for in this Ordinance. (See Section 1103)

201-124 Township.

The Township of Richfield, Genesee County, Michigan.

201-125 Township Board.

The duly elected Board of Trustees of Richfield Township.

201-126 Trade Schools.

A trade school is any school other than a public secondary school where the principal course of instruction is to prepare students to participate in a trade. Trade schools are not colleges or universities or other institutions of liberal arts or professional education.

201-127 Use.

The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

201-128 Water Table.

The top of the zone of saturation or the upper limit of the portion of the ground wholly saturated with water.

201-129 Yards.

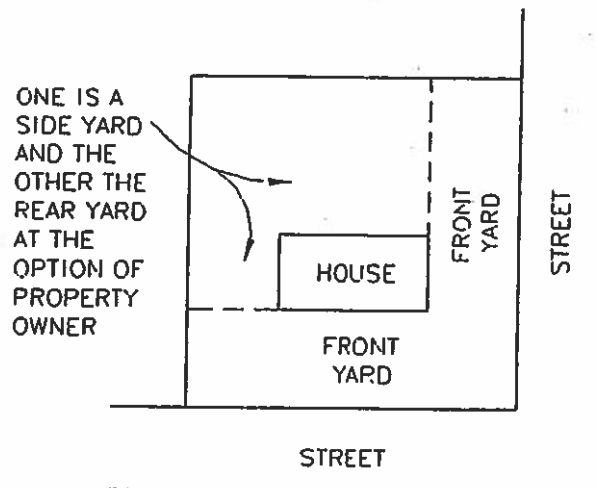
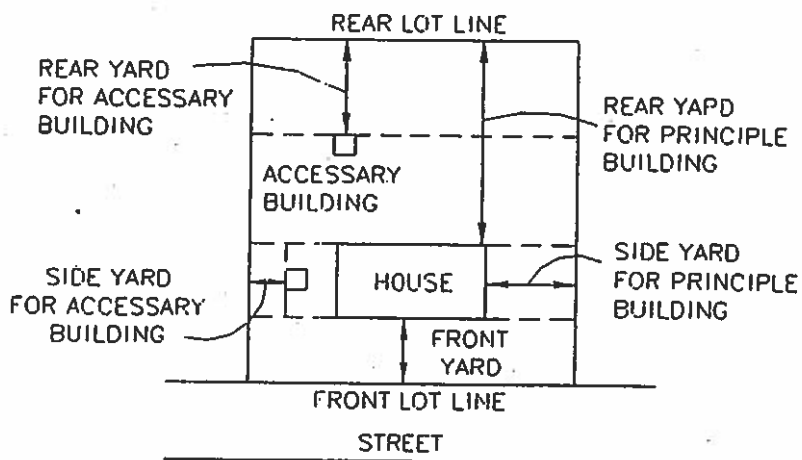
The open spaces on the same lot with a main building as defined below:

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of any accessory or principal building. In the case of through lots and corner lots, the yards on both streets shall be considered as front yards.
- b. **Rear Yard for Principal Buildings:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage at the option of the lot owner.
- c. **Rear Yard for Accessory Building:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the accessory building, in the case of a corner lot, the rear yard may be opposite either street frontage at the option of the lot owner, but the rear yard for accessory buildings shall be opposite the same street frontage as the rear yard for principal building.
- d. **Side Yard for Principal Buildings:** An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.
- e. **Side Yard for Accessory Buildings:** An open space between an accessory building and the side lot line, extending from the front yard to the rear yard, the width of which is

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the horizontal distance from the nearest point on the side lot line to the nearest point of the accessory building.

- f. **Required Yard:** Any portion of a front, rear or side yard which lies between a property line and the minimum required yard setback.
- g. **Unrequired Yard:** Any portion of a front, rear or side yard which lies between a structure and the minimum required yard setback.



**ARTICLE III
ZONING DISTRICTS AND ZONING MAP**

<u>SECTION 300. DISTRICTS ESTABLISHED</u>	3.1
<u>SECTION 301. DISTRICT BOUNDARIES</u>	3.1
<u>SECTION 302. DISTRICT BOUNDARIES INTERPRETED</u>	3.1
<u>SECTION 303. ZONING OF VACATED AREAS</u>	3.2

**ARTICLE III
ZONING DISTRICTS AND ZONING MAP**

SECTION 300. DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the Township of Richfield is hereby divided into the following districts:

RRA	Rural Residential Agricultural District
SRA	Suburban Residential Agricultural District
SR	Suburban Residential District
SRM	Suburban Residential Multiple Family District
MH	Mobile Home Park District
OPB	Office Park Business District
CB	Commercial Business District
I-1	Light Industrial District
I-2	General Industrial District

SECTION 301. DISTRICT BOUNDARIES

The boundaries of these districts are hereby established and may be amended from time to time, as shown on the Zoning Map, Township of Richfield, which accompanies this Ordinance, and which map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein, provided, however, that such zones with exact dimensions where necessary, are shown on section maps maintained by the Richfield Township Clerk, or by a department or departments designated by the Clerk, and which shall be open to examination at any time during normal office hours.

SECTION 302. DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply.

- 302-1 Boundaries indicated as approximately following the center-lines of streets, highways or alleys shall be construed to follow such center lines.
- 302-2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 302-3 Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
- 302-4 Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- 302-5 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line;

boundaries indicated as approximately following center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such lines.

- 302-6 Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- 302-7 Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by Subsections 302-1 through 302-6 above, the Board of Zoning Appeals shall interpret the district boundaries.
- 302-8 Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

SECTION 303. ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the Township of Richfield shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zoning District as the property to which it attaches.

**ARTICLE IV
RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT**

<u>SECTION 400. INTENT</u>	4.1
<u>SECTION 401. PRINCIPAL USES PERMITTED BY RIGHT: RRA DISTRICT</u>	4.1
<u>SECTION 402. PRINCIPAL USES PERMITTED AS SPECIAL LAND USES: RRA DISTRICT</u>	4.2
<u>SECTION 403. ACCESSORY STRUCTURES AND USES: RRA DISTRICT</u>	4.3
<u>SECTION 404. DISTRICT AREA AND BULK REQUIREMENTS</u>	4.4
<u>SECTION 405. OTHER REQUIREMENTS</u>	4.5

ARTICLE IV
RRA RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT

SECTION 400. INTENT

It is the purpose of this district to provide for residential development at rural densities as well as those activities customarily considered farm or agricultural activities. The restrictions in this Article protect residential and agricultural uses from the encroachment of incompatible land uses. At the same time, a variety of non-residential uses may be approved at appropriate sites under the special land use provisions of the Ordinance. These non-residential uses should not occur in concentrations which would be detrimental to the agricultural and residential character of the district.

The RRA District is primarily intended for mapping in the northern and eastern sections of the Township in areas identified in the "Rural Residential" category by the Richfield Township Comprehensive Plan. The Rural Residential and Agricultural District is also intended for mapping in other areas which are under active cultivation, pasturage or other farm use.

SECTION 401. PRINCIPAL USES PERMITTED BY RIGHT: RRA DISTRICT

401-1 Farming operations

Farming operations may involve any condition or activity which occurs on a farm in connection with the commercial production of farm products. Such activities may include but shall not be limited to: the raising of all types of garden and field crops, including roadside stands, nurseries and / or greenhouse enterprises which sells only products grown on the same premises, the raising of large and small farm animals, the raising of poultry and fowl, bee keeping, and the raising of pelt animals. Such conditions may include noise, odors, dust, fumes, operations of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor so long as such activities constitute generally accepted agricultural and management practices under the Michigan Right to Farm Act, P.A. 93, 1981 as Amended.

401-2 Single-family detached and duplex dwelling, one per lot of record.

401-3 Parks and playgrounds, private for the use of residents in subdivisions and other residential developments.

401-4 Parks and playgrounds, public.

401-5 Family Day Care Home.

401-6 Adult Foster Care Family Home.

401-7 Adult Foster Care Small Group Home.

401-8 Restrictions on principal uses:

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- a. Use Restrictions:
 - 1. No farms shall be operated for the disposal of garbage, sewage, rubbish, or offal or rendering plants or for the slaughtering of animals except as to serve only those persons residing on the premises.
- b. Lot Size Restrictions:
 - 1. The minimum lot size for all farm activities other than crop growing shall be ten (10) acres.
- c. Setback Restrictions:
 - 1. There shall be no setback restriction for crop growing adjacent to public rights-of-way and other farm property.

SECTION 402. PRINCIPAL USES PERMITTED AS SPECIAL LAND USES: RRA DISTRICT

- 402-1 Private airports.
- 402-2 Amusement Parks.
- 402-3 Bed and Breakfast in a single family residential structure
- 402-4 Campgrounds and recreation vehicle parks.
- 402-5 Cemeteries, public and private
- 402-6 Churches and other houses of worship.
- 402-7 Colleges, universities, and other institutions of higher learning, both public and private, offering courses in general, technical or religious education.
- 402-8 Conservation areas including forest preserve and game Preserve areas.
- 402-9 Equestrian sports facilities including riding and boarding stables, polo grounds and other similar uses, either when operated commercially and open to the public or when operated as a private club.
- 402-10 Essential services as set forth in SECTION 1105-6
- 402-11 Golf courses, either when operated commercially and open to the public or when operated as a private club.
- 402-12 Home Occupation as set forth in SECTION 1105-12
- 402-13 Horse racing and/or dog racing tracks.

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- 402-14 Hunting areas, either when operated commercially and open to the public or when operated as a private club.
- 402-15 Kennel for raising dogs, cats, and other household pets, subject to the conditions in SECTION 1105-15.
- 402-16 Motor vehicle amusement facilities.
- 402-17 Planned residential developments.
- 402-18 Public cultural facilities such as libraries and museums.
- 402-19 Public and private recreation and service facilities such as community buildings, gymnasiums, swimming pools, beaches and boat launching facilities.
- 402-20 Public safety facilities such as police and fire stations.
- 402-21 Restoration service of antique personal property, which shall be limited to being performed in a principal structure or an accessory structure and is not intended to be a retail or resale operation.
- 402-22 Roadside stands.
- 402-23 Sand and gravel extraction.
- 402-24 Sanitary landfills.
- 402-25 Schools, public and private elementary, intermediate and secondary offering courses in general education.

SECTION 403. ACCESSORY STRUCTURES AND USES: RRA DISTRICT

- 403-1 Accessory Structures and Uses Permitted by Right:
 - a. Signs as permitted in ARTICLE XV.
 - b. Swimming pools, private, within rear or side yards and as regulated in SECTION 1711
 - c. The keeping of horses and other farm animals for the private recreational enjoyment of residents of the property where the animals are kept. At least two (2) acres shall be provided for each animal kept, except that offspring born to animals permitted under the provisions of this section may be kept on the parcel where born for two years after birth provided that the number kept does not exceed one animal and one offspring per two acres.
 - d. Other accessory land and/or structure uses customarily incidental to principal uses permitted by right.

403-2 Accessory Structures and Uses Permitted as Special Land Uses:

- a. If less than two (2) acres, the keeping of horses and other farm animals for the private recreational enjoyment of the residents of the property where kept. The number of acres, topography of the land and the number and type of animals will be considered in determining whether or not a special land use permit will be approved.
- b. Other accessory land and/or structure uses customarily incidental to principal uses permitted as special land uses.

SECTION 404. RRA DISTRICT AREA AND BULK REQUIREMENTS

The minimum building size for a single-family residence not including garage and/or breezeway is 1,050 square feet.

404-1 Minimum lot and buildable area:

- a. 43560 square feet (1 acre).

404-2 Minimum lot width on a county or an approved private road:

- a. 105 feet.

404-3 Maximum height of structures:

- a. For residential uses: Two (2) stories or 25 feet.
- b. For nonresidential (including farm) uses: 35 feet.
- c. For residential accessory structures: 15 feet.

404-4 Minimum yard setbacks from right-of-ways:

- a. For residential principal buildings:
 1. From front right of way line: 40'
 2. From side lot line: 10'
 3. From rear lot line: 40'
- b. For residential accessory buildings:
 1. From front right of way line: 40'
 2. From side lot line: 10'

ARTICLE IV: RRA RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT

3. From rear lot line: 5 feet.
- c. For nonresidential principal and accessory buildings other than farm buildings the setback shall be the same as the setback for residential principal buildings.
- d. When farm animals are kept accessory to residential uses and not attendant to a farm, the setback requirements for any structure, yard, pen, or other area excluding pasture fences where such farm animals are kept shall be as follows:
 1. From any living quarters on adjacent lot: 50 feet.
 2. From all lot lines: 10 feet.

SECTION 405. OTHER REQUIREMENTS

See ARTICLES XI through XVIII for additional requirements pertaining to special land uses, planned residential developments, site design regulations, site plan review procedures and standards, sign regulations, parking regulations, general provisions, and general exceptions.

ARTICLE V
SRA SUBURBAN RESIDENTIAL AGRICULTURAL DISTRICT

<u>SECTION 500. INTENT</u>	5.1
<u>SECTION 501. PRINCIPAL USES PERMITTED BY RIGHT: SRA DISTRICT</u>	5.1
<u>SECTION 502. PRINCIPAL USES PERMITTED AS SPECIAL LAND USES: SRA DISTRICT</u>	5.2
<u>SECTION 503. ACCESSORY STRUCTURES AND USES: SRA DISTRICT</u>	5.3
<u>SECTION 504. SRA DISTRICT AREA AND BULK REQUIREMENTS</u>	5.3
<u>SECTION 505. OTHER REQUIREMENTS</u>	5.4

ARTICLE V
SRA SUBURBAN RESIDENTIAL AGRICULTURAL DISTRICT

SECTION 500. INTENT

It is the purpose of this district to provide for both single-family residential development and agricultural uses. Provision is made for single-family residential development at suburban densities in locations where public sanitary sewer service is available, and at rural densities in locations where sewer service is not available. The restrictions in this Article protect agricultural and single-family residential uses from the encroachment of incompatible land uses. Single-family attached, two-family and multiple family residential uses are permitted subject to the special land use provisions of this ordinance. A variety of non-residential uses may also be approved at appropriate sites under the special land use provisions of this ordinance. These non-residential uses should not occur in concentrations which would be detrimental to the agricultural and residential character of the district.

The SRA District is primarily intended for mapping in the southwestern sections of the Township in areas identified in the "Suburban Residential" category by the Richfield Township Comprehensive Plan.

SECTION 501. PRINCIPAL USES PERMITTED BY RIGHT: SRA DISTRICT

501-1 Farming operations:

Farming operations may involve any condition or activity which occurs on a farm in connection with the commercial production of farm products. Such activities may include but shall not be limited to: the raising of all types of garden and field crops, including roadside stands, nurseries and / or greenhouse enterprises which sells only products grown on the same premises, the raising of large and small farm animals, the raising of poultry and fowl, bee keeping, and the raising of pelt animals. Such conditions may include noise, odors, dust, fumes, operations of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor so long as such activities constitute generally accepted agricultural and management practices under the Michigan Right to Farm Act, P.A. 93, 1981 as Amended.

501-2 Single-family detached and duplex dwelling, one per lot of record.

501-3 Parks and playgrounds, private for the use of residents in subdivision and other residential developments.

501-4 Parks and playground, public.

501-5 Family Day Care Home

501-6 Adult Foster Care Family Home

501-7 Adult Foster Care Small Group Home

501-8 Restrictions on principal uses:

a. Use Restrictions:

1. No farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals except as to serve only those persons residing on the premises.

- b. Lot Size Restrictions:
 1. The minimum lot size for all farm activities other than crop growing shall be ten (10) acres.

SECTION 502. PRINCIPAL USES PERMITTED AS SPECIAL LAND USES: SRA DISTRICT

- 502-1 Bed and Breakfast
- 502-2 Campgrounds and recreation vehicle parks.
- 502-3 Cemeteries, public and private.
- 502-4 Churches and other houses of worship.
- 502-5 Colleges, universities, and other institutions of higher learning, both public and private, offering courses in general, technical or religious education.
- 502-6 Essential services as set forth in SECTION 1105-6.
- 502-7 Golf courses, either when operated commercially and open to the public or when operated as a private club.
- 502-8 Home Occupation as described in SECTION 1105-12.
- 502-9 Kennel for raising dogs, cats, and other household pets, subject to the conditions in SECTION 1105-15.
- 502-10 Multiple family residential structures.
- 502-11 Planned residential developments.
- 502-12 Public and private recreation and service facilities such as community buildings, gymnasiums, swimming pools, beaches and boat launching facilities.
- 502-13 Public cultural facilities such as libraries and museums.
- 502-14 Public safety facilities such as police and fire stations.
- 502-15 Restoration service of antique personal property, which shall be limited to being carried on in a principal structure or an accessory structure and is not intended to be a retail or resale operation.
- 502-16 Schools, public and private elementary, intermediate and secondary offering courses in general education.
- 502-17 Single-family attached buildings containing two or more residential units.

SECTION 503. ACCESSORY STRUCTURES AND USES: SRA DISTRICT

503-1 Accessory Structures and Uses Permitted by Right

- a. Signs as permitted in ARTICLE XV.
- b. Swimming pools, private, within rear or side yards and as regulated in SECTION 1711
- c. The keeping of horses and other farm animals for the private recreational enjoyment of residents of the property where the animals are kept. At least two (2) acres shall be provided for each animal kept, except that offspring born to animals permitted under the provisions of this section may be kept on the parcel where born for two (2) years after birth provided that the number kept does not exceed one animal and one offspring per two acres.
- d. Other accessory land and/or structure uses customarily incidental to principal uses permitted by right.

503-2 Accessory Structures and Uses Permitted as Special Land Uses

- a. If less than two (2) acres, the keeping of horses and other farm animals for the private recreational enjoyment of the residents of the property where kept. The number of acres, topography of the land and the number and type of animals will be considered in determining whether or not a special land use will be approved.
- b. Other accessory land and/or structure uses customarily incidental to principal uses permitted as special land uses.

SECTION 504. SRA DISTRICT AREA AND BULK REQUIREMENTS

The minimum building size for a single family residence not including garage and/or breezeway is 1,050 square feet.

504-1 Minimum lot and buildable area:

- a. For lots not serviced by sanitary sewer or municipal water: 43,560 square feet (1 acre).
- b. For lots serviced with sanitary sewer without municipal water: 25,000 square feet.
- c. For lots serviced by sanitary sewer and municipal water: 15,000 square feet

504-2 Minimum lot width on a county or an approved private road:

- a. For lots not served by public sanitary sewers or municipal water: 105 feet.
- b. For lots served by public sanitary sewers with no municipal water: 90 feet.
- c. For lots served by sanitary sewer and municipal water: 80 feet.

504-3 **Maximum height of structures:**

- a. For residential structures: two (2) stories or 25 feet.
- b. For nonresidential (including farm) uses: 35 feet.
- c. For residential accessory structures: 15 feet

504-4 **Minimum yard setbacks from right-of-ways:**

- a. For residential principal buildings:
 1. From front lot line: 40'
 2. From side lot line: 10'
 3. From rear lot line: 40'
- b. For residential accessory buildings:
 1. From front lot line: 40'
 2. From side lot line: 10'
 3. From rear lot line: 5 feet
- c. For nonresidential principal and accessory buildings other than farm buildings the setback shall be the same as the setback for residential principal buildings.
- d. When farm animals are kept accessory to residential uses and not attendant to a farm, the setback requirements for any structure, yard, pen, or other area excluding pasture fences where such farm animals are kept shall be as follows:
 1. From any living quarters on adjacent lot: 50 feet.
 2. From all lot lines: 10 feet.

SECTION 505. OTHER REQUIREMENTS

See ARTICLES XI through XVIII for additional requirements pertaining to special land uses, planned residential developments, site design regulations, site plan review procedures and standards, sign regulations, parking regulations, general provisions, and general exceptions.

ARTICLE VI
SR SUBURBAN RESIDENTIAL DISTRICT

SECTION 600. INTENT	6.1
SECTION 601. PRINCIPAL USES PERMITTED BY RIGHT: SR DISTRICT	6.1
SECTION 602. PRINCIPAL USES PERMITTED AS SPECIAL LAND USES: SR DISTRICT	6.1
SECTION 603. ACCESSORY STRUCTURES AND USES: SR DISTRICT	6.2
SECTION 604. SR DISTRICT AREA AND BULK REQUIREMENTS	6.3
SECTION 605. OTHER REQUIREMENTS	6.4

ARTICLE VI
SR SUBURBAN RESIDENTIAL DISTRICT

SECTION 600. INTENT

It is the purpose of this district to provide primarily for single-family residential development at suburban densities in locations where public sanitary sewer service is available. The restrictions in this Article protect single-family residential uses from the encroachment of incompatible land uses. Single-family attached, two-family and multiple family residential uses are permitted subject to the special land use provisions of this ordinance. A variety of non-residential uses may also be approved at appropriate sites under the special land use provisions of this Ordinance. These nonresidential uses should not occur in concentrations which would be detrimental to the residential character of the district.

The SR District is primarily intended for mapping in the southwestern sections of the Township in areas identified in the Suburban Residential category by the Richfield Township Comprehensive Plan. Mapping of the SR District should occur only at locations when public sanitary sewer service is available.

SECTION 601. PRINCIPAL USES PERMITTED BY RIGHT: SR DISTRICT

- 601-1 Single-family detached and duplex dwelling, one per lot of record.
- 601-2 Parks and playgrounds, private for the use of residents in subdivisions and other residential developments.
- 601-3 Parks and playground, public.
- 601-4 Family Day Care Home.
- 601-5 Adult Foster Care Family Home.
- 601-6 Adult Foster Care Small Group Home.

SECTION 602. PRINCIPAL USES PERMITTED AS SPECIAL LAND USES: SR DISTRICT

- 602-1 Cemeteries, public and private.
- 602-2 Churches and other houses of worship.
- 602-3 Colleges, universities, and other institutions of higher learning, both public and private, offering courses in general, technical or religious education.
- 602-4 Essential services as set forth in SECTION 1105-6.

- 602-5 Golf courses, either when operated commercially and open to the public or when operated as a private club.
- 602-6 Home occupation as defined in defined in SECTION 1105-12.
- 602-7 Kennels, on the same terms and conditions as in SECTION 1105-15.
- 602-8 Multiple family residential structures.
- 602-9 Planned residential developments.
- 602-10 Private and public recreation and service facilities such as community buildings, gymnasiums, swimming pools, beaches and boat launching facilities.
- 602-11 Public cultural facilities such as libraries and museums.
- 602-12 Public safety facilities such as police and fire stations, and waste water works, reservoir pumping and filtration plants
- 602-13 Schools, public and private elementary, intermediate and secondary offering courses in general education.
- 602-14 Single-family attached buildings containing three or more residential units.

SECTION 603. ACCESSORY STRUCTURES AND USES: SR DISTRICT

- 603-1 **Accessory Structures and Uses Permitted by Right**
 - a. Signs as permitted in ARTICLE XV.
 - b. Swimming pools, private, within rear or side yards and as regulated in SECTION 1711.
 - c. Except in a platted subdivision with a lot size of less than ten (10) acres, the keeping of horses and other large farm animals for the private recreational enjoyment of residents of the property where the animals are kept. At least two (2) acres shall be provided for each animal kept, except that offspring born to animals permitted under the provisions of this section may be kept on the parcel where born for two (2) years after birth provided that the number kept does not exceed one animal and one offspring per two acres.
 - d. Other accessory land and/or structure uses customarily incidental to principal uses permitted by right.
- 603-2 **Accessory Structures and Uses Permitted as Special Land Uses**
 - a. Other accessory land and/or structure uses customarily incidental to principal uses permitted as by right.

- b. If less than two (2) acres or in a platted subdivision with lot sizes of less than ten (10) acres, the keeping of horses and other farm animals for the private recreational enjoyment of residents of the property where kept. The number of acres, topography of the land and the number and type of animals will be considered in determining whether or not a special land use permit will be approved.

603-3 Restrictions on Accessory Structures and Uses

No accessory structure shall be constructed on any lot in a platted subdivision prior to the time of construction of the principal structure.

SECTION 604. SR DISTRICT AREA AND BULK REQUIREMENTS

The minimum building size for a single family residence not including garage and/or breezeway is 1,050 square feet.

604-1 Minimum lot and buildable area:

- a. For lots not served by sanitary sewers: Lot area: 43,560 square feet (1 acre).
- b. For lots served by sanitary sewers with no municipal water: Lot area: 25,000 square feet.
- c. For lots serviced by sanitary sewer and municipal water: 12,000 square feet.

604-2 Minimum lot width on a county or an approved private road:

- a. For lots not served by sanitary sewers: 105 feet.
- b. For lots served by sanitary sewers with no municipal water: 90 feet.
- c. For lots served with sanitary sewer and municipal water: 75 feet

604-3 Maximum height of structures:

- a. For residential uses: Two (2) stories or 25 feet.
- b. For nonresidential (including farm) uses: 35 feet.
- c. For residential accessory structures: 15 feet

604-4 Minimum yard setbacks from right-of-ways:

- a. For residential principal buildings:
 - 1. From front lot line: 40'

2. From side lot line: 10'
 3. From rear lot line: 40'
- b. For residential accessory buildings:
1. From front lot line: 40'
 2. From side lot line: 10'
 3. From rear lot line: 5 feet.

NOTE: In platted subdivisions where lots are normally less than 175' deep and the streets are paved with curbs and gutters, the front line setback may be reduced to a minimum of 25'.

- c. For nonresidential principal and accessory buildings other than farm buildings the setback shall be the same as the setback for residential principal buildings.
- d. When farm animals are kept accessory to residential uses and not attendant to a farm, the setback requirements for any structure, yard, pen, or other area excluding pasture fences where such farm animals are kept shall be as follows:
 1. From any living quarters on adjacent lot: 50 feet.
 2. From all lot lines: 10 feet.

SECTION 605. OTHER REQUIREMENTS

See ARTICLES XI through XVIII for additional requirements pertaining to special land uses, planned residential developments, site design regulations, site plan review procedures and standards, sign regulations, parking, regulations, general provisions and general exceptions.

ARTICLE VII
SRM SUBURBAN RESIDENTIAL/MULTIPLE-FAMILY DISTRICT

SECTION 700. INTENT	7.1
SECTION 701. PRINCIPAL USES PERMITTED BY RIGHT: SRM DISTRICT	7.1
SECTION 702. PRINCIPAL USES PERMITTED AS SPECIAL LAND USES: SRM DISTRICT	7.1
SECTION 703. ACCESSORY STRUCTURES AND USES: SRM RESIDENTIAL DISTRICT	7.1
SECTION 704. SRM MULTIPLE DISTRICT AREA AND BULK REQUIREMENTS	7.2
SECTION 705. OTHER REQUIREMENTS	7.6

ARTICLE VII
SRM SUBURBAN RESIDENTIAL/MULTIPLE-FAMILY DISTRICT

SECTION 700. INTENT

The Suburban Residential Multiple Family District is designed to provide sites for townhouse and garden apartment residential structures and other compatible uses. The SRM District is to be mapped in accordance with the policies set forth in the Richfield Township Comprehensive Plan. Plan policies provide that multiple family zoning should occur: 1) only where sewer service is available at the time of zoning, 2) only on sites with access to paved major or minor arterial roads, and 3) preferably on sites with specific visual amenities such as rolling topography, large stands of mature trees and desirable view features.

SECTION 701. PRINCIPAL USES PERMITTED BY RIGHT: SRM DISTRICT

- 701-1 Multiple-family dwellings.
- 701-2 Single-family attached dwellings.
- 701-3 Single-family detached dwellings.
- 701-4 Parks and playgrounds, private for the use of residents in subdivisions and other residential developments.
- 701-5 Parks and playgrounds, public.

SECTION 702. PRINCIPAL USES PERMITTED AS SPECIAL LAND USES: SRM DISTRICT

- 702-1 Boarding, rooming houses and tourist homes.
- 702-2 Convalescent homes.
- 702-3 Elderly housing.
- 701-4 Essential services as set forth in SECTION 1105-6.
- 701-5 Home occupation as described in SECTION 1105-12.
- 702-6 Hospitals.
- 702-7 Orphanages.
- 702-8 Planned residential developments.

SECTION 703. ACCESSORY STRUCTURES AND USES: SRM RESIDENTIAL DISTRICT

- 703-1 Accessory Structures and Uses Permitted by Right.

- a. Signs as permitted in ARTICLE XV.
- b. Swimming pools, private, within rear or side yards and as regulated in SECTION 1711
- c. Other accessory land and/or structure uses customarily incidental to principal uses permitted by right.

703-2 Accessory Structures and Uses Permitted as Special Land Uses.

- a. Any accessory land and/or structure uses customarily incidental to principal uses permitted as special land uses.

703-3 Restrictions on Accessory Structures and Uses.

- a. No accessory building shall be located in any required or unrequired front or side yard area.
- b. No accessory building shall be constructed on any lot prior to the time of construction of the principal structure.
- c. No accessory building shall be constructed for the purpose of housing any animals or fowl.

SECTION 704. SRM MULTIPLE DISTRICT AREA AND BULK REQUIREMENTS

704-1 Minimum overall lot area.

3 acres.

704-2 Minimum lot area per room.

In an SRM Multiple-Family District, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the countable area of the parcel, in square feet, divided by eighteen hundred (1,800). For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Studio, Efficiency	1 room
One Bedroom	2 rooms
Two Bedroom	3 rooms
Three Bedroom	4 rooms
Four Bedroom	5 rooms

Plans presented showing 1, 2, or 3 bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

The countable land area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads, and subaqueous areas, and shall also exclude the first twenty thousand (20,000) square feet of any such site.

704-3 Residential Unit Mix.

All units shall have at least one (1) living room and one (1) bedroom, except that up to twenty (20%) percent of the units may be of an efficiency apartment type.

704-4 Minimum Lot Width.

Two hundred (200) feet or 1/4 lot depth, whichever is greater. Such width shall be made up of continuous frontage along a public thoroughfare.

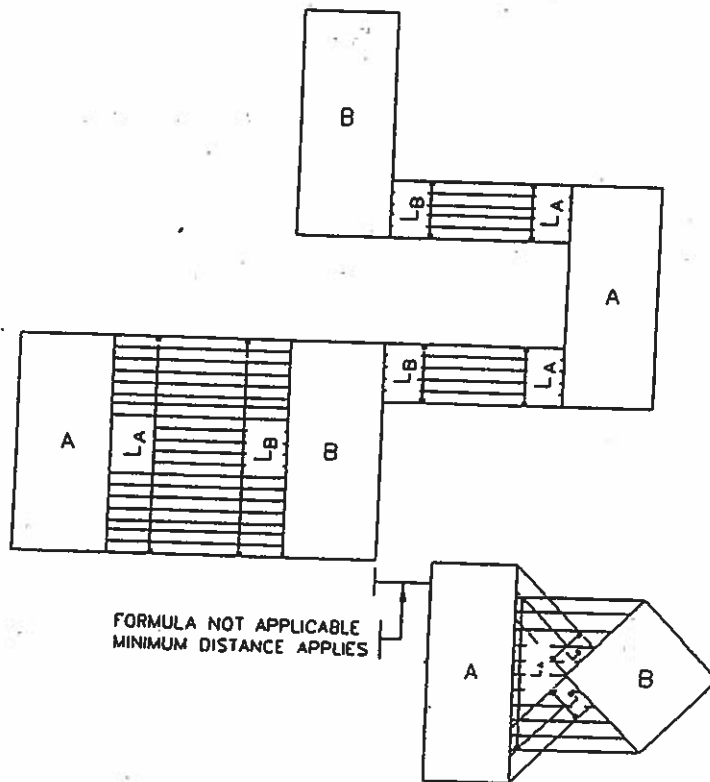
704-5 Maximum Height of Structures.

- a. For residential structures: 2 ½ stories or 35 feet.
- b. For nonresidential structures: 35 feet.

704-6 Minimum Yard Setbacks from Right-of-Ways.

- a. For residential principal and accessory buildings:
 - 1. From front lot line: 55 feet
 - 2. From side lot line: 40 feet
 - 3. From rear lot line: 40 feet

704-7 Minimum Distance Between Buildings on One Zoning Lot.



The height of Building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

The minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. The formula regulating the required minimum distance is as follows: (See Figure on page 7.3)

$$S = \frac{L/A + L/B + 2(H/A + H/B)}{6}$$

S = Required minimum horizontal distance between any wall of Building A and any wall of Building B or the vertical prolongation of either.

L/A = Total length of Building A.

The total length of Building A is the length of that portion or portions of a wall or walls of Building A from which, when viewed directly from above, lines drawn perpendicular to Building A will intersect any wall of Building B.

L/B = Total length of Building B.

The total length of Building B is the length of that portion or portions of a wall or walls of Building B from which when viewed directly from above, the lines drawn perpendicular to Building B will intersect any wall of Building A.

H/A = Height of Building A.

The height of Building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H/B = Height of Building B.

The height of Building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

704-8 Minimum Parking Setbacks and Other Restrictions.

a. From front lot line: 40 feet.

b. From side lot line: 20 feet.

c. From rear lot line: 20 feet.

d. Location of parking:

Parking shall be permitted in required yards subject to the minimum parking setbacks set forth in Sections a through c above. In no instance shall any parking spaces be located closer than fifteen (15) feet to any dwelling unit unless such spaces are located

in a garage which is an integral part of the dwelling unit structure. Parking shall not cover any minimum distance between buildings as defined in SECTION 704-7.

H/B = Height of Building B.

704-9 Illustration Minimum Distance Between Buildings On One Zoning Lot.

The height of Building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

704-10 Minimum Development Standards.

a. Minimum floor area per unit:

For the purposes of this section, bathrooms, kitchens, halls, and the first living room shall not be considered to be bedrooms. All other rooms shall be considered to be bedrooms. The minimum floor area per residential unit shall be as follows:

1. Studio, Efficiency and 1 Bedroom Units: 480 square feet.
2. 2 Bedroom Unit: 600 square feet.
3. 3 or more Bedroom Units: 720 square feet for 3 bedrooms plus 100 square feet per Additional bed room above 3.

b. Maximum building length: 180 feet.

c. Maximum basement area:

No residential unit shall have more than one-third of its total area in a basement level.

d. Mandatory private outdoor space:

A minimum of one hundred (100) square feet of private outdoor space shall be provided for each individual unit. When said private outdoor space is provided at level less than five (5) feet above the grade below, it shall be enclosed with a wall that is at least four (4) feet in height and constructed of materials equal in visual quality and durability to those which are used to cover the principal structure itself.

e. Maximum number of units per structure:

1. Townhouses: 12
2. Garden Apartments: 20

f. Minimum landscaped open space:

A minimum of seventy-five (75) square feet of landscaped open space developed in accordance with the provisions of SECTION 1302-4 shall be provided for every room in all residential units except kitchens, dining rooms, lavatories and bathrooms.

704-11 **Maximum Percent of Lot Coverage.**

Thirty (30) percent for all buildings.

SECTION 705. OTHER REQUIREMENTS

See ARTICLES XI through XVIII for additional requirements pertaining to special land uses, planned residential developments, site design regulations, site plan review procedures and standards, sign regulations, parking regulations, general provisions and general exceptions.

**ARTICLE VIII
MH MANUFACTURED HOUSING DISTRICT**

<u>SECTION 800. INTENT</u>	8.1
<u>SECTION 801. PRINCIPAL USES PERMITTED BY RIGHT: MH DISTRICT</u>	8.1
<u>SECTION 802. PRINCIPAL USES PERMITTED AS SPECIAL LAND USES: MH DISTRICT</u>	8.1
<u>SECTION 803. ACCESSORY STRUCTURES AND USES PERMITTED BY RIGHT: MH DISTRICT</u>	8.1
<u>SECTION 804. DIMENSIONAL REQUIREMENTS</u>	8.2
<u>SECTION 805. DEVELOPMENT STANDARDS</u>	8.2
<u>SECTION 806 OTHER REQUIREMENTS</u>	8.5

**ARTICLE VIII
MH MANUFACTURED HOUSING COMMUNITY DISTRICT**

SECTION 800. INTENT

It is the intent of the MH Manufactured Housing Community District to provide for the development of mobile home parks in appropriate locations and in accord with the regulations established by the Michigan Manufactured Housing Commission as modified with the approval of the Michigan Manufactured Housing Commission for Richfield Township. While the official zoning map of Richfield Township, adopted at the time of adoption of this zoning ordinance, did not provide for a Manufactured Housing Community District, it is the intent and purpose of this article to provide for the identification of such districts.

Upon application of a property owner in the area proposed for rezoning, or upon the recommendation of the planning commission or the township board, where the features of a particular area meet the criteria of this article, and where the proposed development is consistent with the township's master plan, an area may be rezoned to MH, Manufactured Housing Community District.

SECTION 801. PRINCIPAL USES PERMITTED BY RIGHT: MH DISTRICT

- 801-1 Manufactured Housing Communities developed and used solely for single family residential uses and which meet the conditions of this article.
- 801-2 Essential services as set forth in SECTION 1105-6.
- 801-3 Private parks and playgrounds for the use of residents in mobile home parks.

SECTION 802. PRINCIPAL USES PERMITTED AS SPECIAL LAND USES: MH DISTRICT

- 802-1 Churches and other houses of worship with a minimum lot size of two (2) acres.
- 802-2 Laundry facilities for the use of residents in the mobile home park.
- 802-3 Nursery schools, day nurseries, child day care centers provided there is an outdoor play area meeting the following requirements:
 - a. There is at least 200 square feet of play area per child, but no less than 1000 square feet.
 - b. The play area is fenced on all sides.
- 802-4 Schools, public and private elementary, intermediate and secondary offering courses in general education.

SECTION 803. ACCESSORY STRUCTURES AND USES PERMITTED BY RIGHT: MH DISTRICT

- 803-1 The management office for the Manufactured Housing Community and buildings necessary to store the equipment required to maintain the Manufactured Housing Community.

- 803-2 Portable, non-permanent storage or other usable sheds.
- 803-3 Accessory sales and rental models.
- 803-4 Accessory sales and rental offices.

SECTION 804. DIMENSIONAL REQUIREMENTS

- 804-1 All Manufactured Housing Communities shall meet the requirements set forth in the Manufactured Housing Community Rules Handbook Section R125.1941.
- 804-2 Except as provided below each lot within a mobile home park shall meet the requirements of site plan review submitted by the developer relative to the type and style of manufactured houses he is developing or installing. (Ref. R125.1941.)
- 804-3 No manufactured home shall be placed any closer than ten (10) feet to a side or rear lot line.
- 804-4 No manufactured home shall be placed any closer than ten (10) feet to the edge of an internal road.
- 804-5 No manufactured home shall be placed so as to be closer than twenty (20) feet to any part of an attached or detached structure of an adjacent manufactured home which is used for living purposes, or closer than ten (10) feet to an attached or detached structure or accessory of an adjacent manufactured home which is not used for living purposes.
- 804-6 No building or structure in a Manufactured Housing Community shall exceed two (2) stories or twenty-five (25) feet in height.

SECTION 805. DEVELOPMENT STANDARDS.

805-1 General

- a. Each Manufactured Housing Community shall be kept and maintained as a single lot of record and no individual lots therein shall be sold, except that individual lots may be sold in a Manufactured Housing Community as permitted by Michigan law.
- b. Each Manufactured Housing Community shall be developed in phases as per the Manufactured Housing Commission's Rules and shall be completed within five (5) years of the issuance of the original permit. A separate certificate of occupancy shall be issued for each phase.
- c. Each Manufactured Housing Community may have, at its option, an all-weather community with an assembly or meeting room.

805-2 Access; Internal Roads and Sidewalks

- a. Each entrance to a new or expanded Manufactured Housing Community that has three hundred (300) sites or more shall be a minimum of thirty (30) feet in width.
- b. Each two-way internal road in a Manufactured Housing Community shall have a minimum width of twenty-one (21) feet.
- c. No internal road shall be a dead end street unless a turnaround area is provided at such dead end providing for a minimum turning radius of 25 feet (50' diameter).

805-3 Landscaping.

Manufactured Housing Communities shall be landscaped as follows:

- a. If the Manufactured Housing Community abuts an existing residential development, the community shall be required to provide screening along the community boundary abutting the residential development.
- b. If the community abuts a non-residential development, the community need not provide screening.
- c. In all cases, a community shall provide screening along the park boundary abutting a public right-of-way.
- d. Landscaping shall consist of evergreen trees or shrubs of a minimum three (3) feet in height and spaced so as to provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described herein.
- e. Unless specified otherwise in the approved site plan, all areas of a manufactured housing community shall be covered by lawn which shall be regularly mowed and maintained.
- f. If a central waste pickup facility is provided, such facility shall be surrounded by a screened area in accordance with the requirements of Section 1305-1 of this zoning ordinance.

805-4 Parking

- a. No parking shall be allowed on any internal road except internal roads with the following widths:
 1. One-way, parallel parking, 1 side - 23 feet;
 2. One-way, parallel parking, 2 sides - 33 feet;
 3. Two-way, parallel parking, 1 side - 31 feet;

4. Two-way, parallel parking, 2 sides - 41 feet.
- b. Each home site shall have two hard surfaced vehicle parking spaces.
- c. If a community building, assembly or meeting room is provided as described in Section 805-1 of this Zoning Ordinance, sufficient off-street parking shall be provided as required by Section 1600 of this zoning ordinance. Such parking shall not be located within any buffer or setback area.

805-5 Utilities.

- a. Each manufactured housing community shall have public electric, water and sewer utilities if available to it so that each manufactured home site can be separately connected to each such utility service.
- b. No home shall be allowed to use an individual liquefied petroleum gas system.
- c. Lighting shall be provided along all ingress, egress and internal roads. The number and location of lighting fixtures shall be as determined by the Manufactured Housing Commission Rules R125.1929.

805-6 Miscellaneous.

- a. All manufactured home units, and any additions thereto or expansions thereof, located in a manufactured housing community shall, except where provided otherwise by applicable law, meet the requirements outlined in the Standards for Manufactured Homes in Section 501A of the 1992 National Fire Protection Association (NFPA) Standards.
- b. Skirting is required on all homes in a manufactured housing community. Skirting must be installed within thirty (30) days of placement of the manufactured home on a home site, unless a hardship is presented by the developer (i.e., weather), and shall be maintained in good repair at all times.
- c. Each manufactured home in a manufactured housing community shall be anchored to its pad or lot prior to occupancy. No anchoring system shall be used unless it is one which has been approved by the Michigan Construction Code Commission and otherwise complies in all respects with the Michigan Mobile Home Commission Act and the rules promulgated there under.
- d. Upon placement on a pad or lot within a manufactured housing community, the tires shall be removed from a manufactured home and the manufactured home shall be placed on a raised block foundation or pillars or any other suitable material, as referenced in Manufactured Home Standards R125.1602.
- e. Each manufactured home in a manufactured housing community shall be provided with a garbage depository receptacle from which the contents may be removed for

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- waste removal. Such receptacle shall be maintained in good working condition at all times and shall be replaced if it leaks or can not be closed tight. Reference Part 5 of Manufactured Housing Commission Rules Handbook.
- f. Any enclosed additions to or expansions of a home in a manufactured housing community shall be of pre-manufactured construction.
 - g. When used in this article, unless the context clearly indicates otherwise, the term "lot" shall be synonymous with "manufactured home site" and shall refer to a tract of land which, pursuant to a lease, plat or other document is assigned or reserved for use by one home in a manufactured home community.
 - h. Each manufactured home community shall comply in all respects with the Michigan Manufactured Housing Commission Act and the rules promulgated there under.

SECTION 806. OTHER REQUIREMENTS

See ARTICLES XIII through XVIII for additional requirements pertaining to site design regulations, site plan review procedures and standards, sign regulations, parking regulations, general provisions and general exceptions.

**ARTICLE IX
BUSINESS DISTRICTS**

<u>SECTION 900. INTENT</u>	9.1
<u>SECTION 901. GENERAL REQUIREMENTS: BUSINESS DISTRICTS</u>	9.1
<u>SECTION 902. OPB OFFICE PARK BUSINESS DISTRICT</u>	9.2
<u>SECTION 903. CB COMMERCIAL BUSINESS DISTRICT</u>	9.5
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**ARTICLE IX
BUSINESS DISTRICTS**

SECTION 900. INTENT

It is the purpose of this Article to provide for viable office and commercial development in Richfield Township, while at the same time preserving the quality of adjacent and nearby residential areas.

The OPB Office Park Business District is intended to permit development of an office park in which office uses predominate to the exclusion of almost all other uses. Development requirements for the OPB Office Park Business District are designed to limit use of the district to office developments of relatively large size. The OPB Office Park Business District is intended for mapping in the area designated Office by the Richfield Township Comprehensive Plan.

The CB Commercial Business District is intended to permit development of most types of convenience, comparison, personal service, and office uses. The use restrictions which apply to the CB Commercial Business District are intended to ensure that development will be reasonably compatible with adjacent residential areas. The CB Commercial Business District permits automobile filling and service stations, automobile washing establishments, department stores, restaurants, supermarkets, and certain other commercial uses whether by right or as special land uses. Development requirements for the CB Commercial Business District are designed to permit mapping in areas where parcel sizes are small. The CB Commercial Business District is intended for sites designated Retail by the Richfield Township Comprehensive Plan.

SECTION 901. GENERAL REQUIREMENTS: BUSINESS DISTRICTS

901-1 Permitted Uses: Business Districts.

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. No buildings or zoning lot shall be devoted to any use other than a use or accessory use permitted herein under in the zoning district in which such building or zoning lot shall be located, except in accordance with the provisions of SECTION 1710, Interpretation of Use Lists.

901-2 Prohibited Uses: Business Districts.

It is the intent of this Ordinance to specifically prohibit uses which are not listed as permitted uses, or which are not approved for addition to the list of permitted uses in accordance with SECTION 1710, Interpretation of Use Lists.

901-3 Underground Placement of Public Utilities, Telephone and Electrical Wires: Business Districts.

For all uses subject to the site design standards set forth in ARTICLE XIII, telephone and electrical wires and other public utilities shall be placed underground.

901-4 Other Requirements.

All uses shall be subject to the relevant additional requirements pertaining to special land uses, planned residential developments, site design regulations, site plan review procedures and standards, sign regulations, parking regulations, general provisions and general exceptions.

1. **SECTION 902. OPB OFFICE PARK BUSINESS DISTRICT**

902-1 Principal Uses Permitted by Right: OPB District.

a. Lower-intensity office uses:

- Accounting offices.
- Advertising agencies.
- Architectural, engineering, and similar offices.
- Business Offices.
- Business service establishments, including:
 - Consumer credit reporting agencies.
 - Duplicating services.
 - Mailing and stenographic services.
 - Management consulting services
 - Other similar business services.
- Insurance offices, but not insurance claims centers.
- Legal offices.
- Non-profit organization offices including:
 - Civic, social, and fraternal organizations.
 - Political organizations.
 - Professional membership organizations.
 - Labor unions.
 - Stock, bond and other brokerage establishments.

b. Higher-intensity office uses:

- Extended health care facilities, as follows:
 - Hospices.
 - Nursing and convalescent homes.
- Governmental offices.
- Medical offices and outpatient clinics.
- Real estate offices.
- Insurance claims centers.

c. Laboratories, medical and dental.

d. Laboratories, film.

902-2 Principal Uses Permitted as Special Land Uses: OPB District.

- a. Public utility uses as listed below:

Major transmission lines
Telephone exchange and transmission equipment buildings.
Water pumping stations.
Water and waste water works, reservoirs, pumping and filtration plants.

902-3 Accessory Structures and Uses: OPB District.

- a. No accessory use shall occupy more than fifteen (15) percent of the floor area of the principal use to which it is accessory. No accessory building or combination of accessory buildings on one zoning lot shall contain a floor area which is greater than fifteen (15) percent of the floor area of the principal building to which it or they are accessory.
- b. No accessory building or equipment shall be located in any required or unrequired front or side yard area. For the purpose of this section equipment shall include Heating, Ventilating and Air Conditioning (HVAC), radio, television, microwave, transmitting and receiving equipment, satellite dishes or other similar equipment.
- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

902-4 Minimum Lot Size Requirements: OPB District.

- a. Minimum lot area: 40,000 square feet.
- b. Minimum lot width: 125 feet, or one-third (1/3) lot depth, whichever is greater. Such width shall be made up of continuous frontage on a public thoroughfare.

902-5 Minimum Yard Requirements: OPB District.

- a. Minimum setback requirements for principal and accessory buildings:
- Front: 50 feet from any right-of-way line.
- Side: From other property: 20 feet
- Rear: From other property: 20 feet
- b. Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and by specifically permitted:

SECTION 903: CB COMMERCIAL BUSINESS DISTRICT

903-1 Principal Uses Permitted by Right: CB District.

- a. Lower-intensity office uses:
- Accounting offices.
 - Advertising agencies.
 - Architectural, engineering, and similar offices.
 - Business Offices.
 - Business service establishments, including:
 - Consumer credit reporting agencies.
 - Duplicating services.
 - Mailing and stenographic services.
 - Management consulting services.
 - Other similar business services.
 - Insurance offices but not insurance claims centers.
 - Legal offices.
 - Non-profit organization offices (but not meeting halls), including:
 - Civic, social, and fraternal organizations.
 - Political organizations.
 - Professional membership organizations.
 - Labor unions.
 - Stock, bond and other brokerage establishments.
- b. Higher-intensity office uses:
- Governmental offices.
 - Medical offices and outpatient clinics.
 - Real estate offices.
 - Insurance claims centers.
- c. Lower-intensity convenience commercial uses:
- Dry goods and notions stores.
 - Flower shops.
 - Ticket agencies, entertainment.
 - Ticket agencies, transportation.
 - Tobacco shops.
 - Travel agencies.
- d. Higher-intensity convenience commercial uses:
- Banks, savings and loans, credit unions, and other financial institutions.
 - Drug stores and pharmacies.
 - Food stores, including grocery stores and specialized food stores such as bakeries and delicatessens.

Hardware, paint, and wallpaper stores.
Ice cream parlors.
Party stores.

e. Lower-intensity personal service uses:

Barber and beauty shops.
Dry cleaning establishments, excluding those servicing pick-up stations
located off the premises.
Pet grooming establishments, but not kennels.
Photographic studios.
Tailor and dressmaker shops.
Tanning salons.

f. Lower-intensity comparison commercial uses:

Art merchandising studios.
Carpet, rug, and other flooring stores.
Coin and philatelic stores.
Furniture stores.
Interior decorators.
Jewelry stores, fine.
Optician retail sales.
Picture framing.
Security equipment stores, but not the installation of equipment on motor
vehicles.

g. Higher-intensity comparison commercial uses:

Art supply stores.
Bait shops.
Bicycle sales and service stores.
Book and stationery stores.
Building and remodeling contractor showrooms.
Business machine sales.
Camera stores.
Clothing stores.
Electrical showrooms and shops.
Exterminating shops.
Garden equipment and supply stores.
Gift shops.
Glass stores.
Hearing aid stores.
Hobby and craft stores.
Household appliance stores.
Jewelry stores, costume.
Key shops.
Leather and luggage stores.

- Locksmith stores.
- Musical instrument sales.
- Music and record stores.
- Novelty shops.
- Office supply stores.
- Pet stores and pet supply stores.
- Plumbing showroom and supply shops.
- Sporting goods.
- Tobacco shops.
- Toy Stores.

h. General Commercial uses:

- Auction rooms.
- Catering establishments.
- Clubs and lodges, private.
- Dry cleaning and Laundromat establishments.
- Janitorial equipment and supply establishments.
- Mail order and catalogue stores.
- Martial arts studios.
- Medical and dental supply sales and rental stores.
- Meeting halls and banquet rooms.
- Monument sales establishments.
- Music and dance schools.
- Newspaper distributing agencies.
- Nurseries, retail, for the sale of plant materials grown off the premises.
- Parking lots and garages.
- Pawn shops.
- Physical culture and health services, commercial, including gymnasiums, swimming pools, tennis and racquet ball facilities, reducing and massage salons and public baths.
- Taxidermists.
- Theaters, indoor.
- Veterinary establishments.

i. General sales and service uses:

- Ambulance service.
- Amusement device sales and service.
- Appliance repair.
- Boat and boat accessory sales establishments.
- Boat storage establishments.
- Building cleaning establishments.
- Farm equipment sales and service establishments.
- Feed and seed stores.
- Food storage lockers.
- Furniture and domestic equipment rental establishments.
- Furniture repair and refinishing.

Golf driving ranges.
Greenhouses and retail nurseries.
Mechanical and electrical equipment repair.
Motorcycle sales and service establishments.
Printing, binding, Photostatting, phototypesetting, blueprinting and similar establishments.
Plumbing and heating contractor establishments.
Recreation vehicle sales and service establishments.
Small motor and machine repair.
Trailer sales and rental establishments.
Upholstering, cloth and canvas products fabrication, including the fabrication of slipcovers, awnings and similar products.

- j. Amusement establishments, including arcades, bowling alleys, skating rinks, indoor shooting ranges and dance halls.
- k. Art, sculptor and composer studios.
- l. Bars.
- m. Department stores.
- n. Funeral homes and mortuaries.
- o. Hotels and motels.
- p. Laboratories, medical and dental.
- q. Laboratories, film.
- r. Restaurants, standard.
- s. Supermarkets.
- t. Trade schools not involving industrial, motor vehicles or other heavy equipment.

903-2 Principal Uses Permitted as Special Land Uses: CB District.

- a. Adult-oriented commercial uses.
- b. Automobile sales, service, parts and repair as follows:

Automobile and light truck rental agency storage and maintenance yards;
Automobile and light truck sales and service agencies;
Automobile and other motor vehicle body repair, including bumping, painting and undercoating;
Automobile parts and accessory stores including the installation of parts and accessories.

- c. Automobile filling stations.
- d. Automobile service stations.
- e. Automobile washing establishments, attended and self-service.
- f. Drive-in theaters.
- g. Drive through facilities for permitted uses.
- h. Dwelling and/or security units.
- i. Essential services as set forth in SECTION 1105-6.
- j. Kennels for boarding only of dogs, cats, and other household pets.
- k. Restaurants, drive-in, drive-through and fast food.
- l. Warehousing and outdoor storage for household and small business goods and equipment.

903-3 Accessory Structures and Uses: CB District.

- a. No accessory use shall occupy more than fifteen (15) percent of the floor area of the principal use to which it is accessory. No accessory building or combination of accessory buildings on one zoning lot shall contain a floor area which is greater than fifteen (15) percent of the floor area of the principal building to which it or they are accessory.
- b. No accessory building or equipment shall be located in any required or unrequired front or side yard area. For the purpose of this section equipment shall include Heating, Ventilating and Air Conditioning (HVAC), radio, television, microwave, transmitting and receiving equipment, satellite dishes or other similar equipment.
- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

903-4 Minimum Lot Size Requirements: CB District.

- a. Minimum lot area: 80,000 square feet.
- b. Minimum lot width: 200 feet, or one-third (1/3) depth, whichever is greater.

903-5 Minimum Yard Requirements: CB District

- a. Minimum setback requirements for principal and accessory buildings:

Front: 100 feet from any right-of-way line.

Side: (1) From property lines of property zoned agricultural or residential: 40 feet.

(2) From other property: 20 feet.

Rear: (1) From property lines of property zoned agricultural or residential: 40 feet.

(2) From other property: 20 feet.

b. Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and by specifically permitted:

1. Signs as set forth in ARTICLE XV.
2. Nonresidential perimeter controls as set forth in SECTION 1709.
3. Exterior lighting as regulated in SECTION 1704.
4. Swimming pools and related structures as set forth in SECTION 1711 2.
5. Projections into required yards as set forth in SECTION 1804 .
6. Litter containers for pedestrians as set forth in paragraph d below.
7. Unsheltered parking areas as set forth in paragraph e below.
8. Driveways.

Landscape features such as berms and retaining walls shall not be considered obstructions subject to a site plan review finding that any such features which are present in a particular site plan conform reasonably to the natural environment or the site and the general area in which they are proposed.

c. Side and rear yards which abut street shall conform to the same yard setback and other requirements as front yards.

d. Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors. All areas for the temporary storage of garbage and trash, except litter containers for pedestrians, shall be enclosed as provided in SECTION 1305.

e. Unsheltered parking shall be permitted in required front, side, and rear yards, but not within required landscape buffer stripes. Parking shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

- f. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

903-6 **Maximum Bulk Requirements: CB District**

- a. Maximum structure height: Stories: 2
 Feet: 35
- b. Maximum lot coverage: Thirty (30) percent for all principal and accessory buildings.

SECTION 904. OTHER REQUIREMENTS

See ARTICLE XI for additional requirements pertaining to special land uses. See ARTICLES XVII AND XVIII for additional requirements pertaining to general provisions and general exceptions.

**ARTICLE X
I-1 AND I-2 INDUSTRIAL DISTRICTS**

<u>SECTION 1000. INTENT</u>	10.1
<u>SECTION 1001. GENERAL REQUIREMENTS: INDUSTRIAL DISTRICTS</u>	10.1
<u>SECTION 1002. I-1 LIGHT INDUSTRIAL DISTRICT</u>	10.2
<u>SECTION 1003. I-2 GENERAL INDUSTRIAL DISTRICT</u>	10.7
<u>SECTION 1004. OTHER REQUIREMENTS</u>	10.13

**ARTICLE X
I-1 AND I-2 INDUSTRIAL DISTRICTS**

SECTION 1000. INTENT

This article provides for development of a full range of industrial use in two districts, the I-1 Restricted Industrial District and the I-2 General Industrial District. In addition to the industrial uses, these two districts also provide for general service district uses which are compatible with industrial uses, and are often incompatible with other commercial uses. The I-1 and I-2 Districts are restricted to industrial and general service district uses in order to ensure adequate area to meet the long-range potential demand for such uses.

The I-1 Restricted Industrial District is intended to provide for restricted industrial activities which do not create an appreciable nuisance or hazard. The I-2 General Industrial District permits heavy industrial uses in addition to a full range of light industrial and general service district uses. The I-1 and I-2 Districts are intended for areas designated Industrial in the Richfield Township Comprehensive Plan.

SECTION 1001. GENERAL REQUIREMENTS: INDUSTRIAL DISTRICTS

1001-1 Permitted Uses: Industrial Districts.

Permitted uses of land or buildings, as herein listed, shall be permitted in the districts indicated under the conditions specified. No buildings or zoning lot shall be devoted to any use other than a use permitted herein in the zoning district in which such building or zoning lot shall be located, except in accordance with the provisions of SECTION 1710, Interpretation of Use Lists.

1001-2 Prohibited Uses: Industrial Districts.

It is the intent of this Ordinance to specifically prohibit uses which are not listed as permitted uses, or which are not approved for addition to the list of permitted uses in accordance with SECTION 1710, Interpretation of Use Lists. Establishments which have more than fifteen (15) percent of their floor area devoted to other uses or to accessory uses shall be deemed in violation of this Ordinance.

1001-3 Underground Placement of Public Utilities, and Telephone and Electrical Wires; Industrial Districts.

For all uses subject to the site design standards set forth in ARTICLE XIII, telephone and electrical wires and other public utilities shall be placed underground.

1001-4 Site Design Review Procedures and Standards: Industrial Districts.

All uses shall be subject to the site design standards of ARTICLE XIII, and the site plan review procedures of ARTICLE XIV.

1001-5 Signs: Industrial Districts.

Signs shall be permitted in accordance with the regulations established in ARTICLE XV.

1001-6 **Off-Street Parking and Loading: Industrial Districts.**

Off-street parking and loading facilities, accessory to uses permitted shall be provided in accordance with the regulations established in ARTICLE XVI.

1001-7 **Performance Standards: Industrial Districts.**

Uses in the Industrial Districts shall be subject to the performance standards set forth in SECTION 1404.

SECTION 1002. I-1 LIGHT INDUSTRIAL DISTRICT

1002-1 **Principal Uses Permitted by Right: I-1 District**

a. **Lower-intensity office uses:**

Accounting offices.
Advertising Agencies.
Architectural, engineering, and similar offices.
Business offices.

Business service establishments, including:

Consumer credit reporting agencies.
Duplicating services.
Mailing and stenographic services.
Management consulting services.
Other similar business services.

Insurance offices, but not insurance claims centers.

Legal offices.

Non-profit organization offices (but not meeting halls), including:

Civic, social and fraternal organizations.
Political organizations.
Professional membership organizations.

Labor Unions

Stock, bond and other brokerage establishments.

b. **Higher-intensity office uses:**

Governmental offices.
Medical offices and outpatient clinics.
Real estate offices.
Insurance claims centers.

c. **General sales and service uses as listed below:**

Ambulance service.

Amusement device sales and service.
Appliance repair.
Automobile and light truck rental agency storage and maintenance yards.
Automobile and light truck sales and service agencies.
Automobile filling and service stations.
Automobile parts and accessory stores including the installation of parts and accessories.
Automobile repair, but not bumping and painting.
Boat and boat accessory sales establishments.
Boat storage establishments.
Building cleaning establishments.
Farm equipment sales and service establishments.
Feed and seed stores.
Food storage lockers.
Furniture and domestic equipment rental establishments.
Furniture repair and refinishing.
Golf driving ranges.
Greenhouses and retail nurseries.
Mechanical and electrical equipment repair.
Motorcycle sales and service establishments.
Printing, binding, Photostatting, phototypesetting, blueprinting and similar establishments.
Plumbing and heating contractor establishments.
Recreation vehicle sales and service establishments.
Small motor and machine repair.
Trailer sales and rental establishments.
Upholstering, cloth and canvas products fabrication, including the fabrication of slipcovers, awnings and similar products.

d. Light industrial uses as listed below:

Building materials and supplies.
Custom cabinet making.
Construction contractors, except as otherwise specified.
Dry cleaning establishments, including those serving pick-up stations located off the premises.
Electrical contractors.
Greenhouses, wholesale.
Heating, ventilating and air conditioning contractors.
Insulation contractors.
Laboratories, research and testing.
Landscape contractors.
Laundries.
Lawn maintenance contractors.
Lawn spraying contractors.
Septic tank cleaners.
Sign manufacturing.
Warehouse and storage facilities.

Water-well drilling contractors.

- e. Amusement establishments including bowling alleys, arcades, skating rinks, indoor shooting ranges and dance halls.
- f. Automobile and other motor vehicle body repair, including bumping, painting and undercoating.
- g. Automobile filling stations.
- h. Automobile service stations.
- i. Automobile washing establishments.
- j. Essential services as set forth in SECTION 1105-6.
- k. Laboratories, film
- l. Laboratories, medical and dental.
- m. Temporary outdoor sales conducted by uses permitted by right and special land uses.

1002-2

Principal Uses Permitted as Special Land Uses: I-1 District

- a. Dwelling units/lodging rooms and/or watchmen's quarters.
- b. Cellular telephone / Microwave transmission towers.
- c. Heavy industrial uses as listed below:

- Bottle and beverage distributing.
- Brewing and distilling.
- Can and similar container manufacturing.
- Carpet manufacturing.
- Ceramic and pottery manufacturing.
- Cloth products manufacturing from finished cloth.
- Communications equipment manufacturing.
- Component parts manufacturing.
- Electronic and scientific instrument manufacturing.
- Food manufacturing, packaging and processing.
- Furniture manufacturing.
- Glass products manufacturing.
- Insulating materials manufacturing.
- Jewelry manufacturing.
- Leather products manufacturing from finished leather.
- Lumber milling, temporary.
- Machine tool and automated tool manufacturing.
- Mattress manufacturing.

Mechanical and electrical appliance and equipment manufacturing.
Medical marijuana dispensaries.
Metal products processing including machining, welding, molding, extrusion, buffing and polishing.
Motor freight terminals.
Musical instrument and case manufacturing.
Oil and gas well drilling contractors.
Optical goods manufacturing.
Orthopedic and medical appliance manufacturing.
Package express services.
Paper and cardboard products manufacturing.
Plastic molding and extrusion.
Pharmaceutical manufacturing.
Recreation vehicle assembly.
Rope, cord, and twine manufacturing.
Sexually oriented businesses.
Sporting goods manufacturing.
Structural steel fabrication.
Theaters, outdoor.
Trade schools involving industrial, motor vehicles and other similar equipment.

1002-3 Accessory Structures and Uses: I-1 District

- a. No accessory structure shall occupy more than fifteen (15) percent of the floor area of the principal uses. No accessory building or combination of accessory buildings on one zoning lot shall contain a floor area which is greater than fifteen (15) percent of the floor area of the principal building to which it is accessory.
- b. No accessory building or equipment shall be located in any required or unrequired front yard area. For the purpose of this section equipment shall include Heating, Ventilating and Air Conditioning (HVAC), radio, television, microwave, transmitting and receiving equipment, satellite dishes or other similar equipment.
- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

1002-4 Minimum Lot Size Requirements: I-1 District

- a. For individual industrial lots not located in an industrial park as defined in ARTICLE II.
 1. Minimum lot area: 2 acres.
 2. Minimum lot width: 150 feet, or one-third (1/3) lot depth, whichever is greater. The minimum lot width shall be located on a public right-of-way.
- b. For individual industrial lots located in an industrial park as defined in ARTICLE II.
 1. Minimum lot area: 30,000 square feet.

2. Minimum lot width: 125 feet, or one-third (1/3) lot depth, whichever is greater.

1002-5 **Minimum Yard Requirements: I-1 District**

- a. Minimum setback requirements for principal and accessory buildings:

Front: 100 feet from any right-of-way line.

Side: (1) From property lines of property zoned agricultural or residential: 40 feet for the first 15 feet of building height, plus 5 feet for each additional foot of building height.

(2) From other property: 20 feet.

Rear: (1) From property lines of property zoned agricultural or residential: 40 feet for the first 15 feet of building height, plus 5 feet for each additional foot of building height.

(2) From other property: 40 feet.

- b. Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and by specifically permitted:

1. Signs as set forth in ARTICLE XV,

2. Nonresidential perimeter controls as set forth in SECTION 1709,

3. Exterior lighting as regulated in SECTION 1704,

4. Swimming pools and related structures as set forth in SECTION 1711 ,

5. Projections into required yards as set forth in SECTION 1804 ,

6. Litter containers for pedestrians as set forth in paragraph d below,

7. Unsheltered parking areas as set forth in paragraph e below, and

8. Driveways.

Landscape features such as berms and retaining walls shall not be considered obstructions subject to a site plan review finding that any such features which are present in a particular site plan conform reasonably to the natural environment or the site and the general area in which they are proposed.

- c. Side and rear yards which abut street shall conform to the same yard setback and other requirements as front yards.

- d. Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors. All areas for the temporary storage of garbage and trash, except litter containers for pedestrians, shall be enclosed as provided in SECTION 1305.
- e. Unsheltered parking shall be permitted in required front, side, and rear yards, but not within required landscape buffer strip nor closer than 20 feet to any property line of property zoned agricultural or residential. Unsheltered parking shall be permitted in unrequired front, side, and rear yard areas.
- f. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards.

1002-6 **Maximum Bulk Requirements: I-1 District**

- a. Maximum structure height: 30 feet.
- b. Maximum lot coverage by buildings: Twenty-five (25) percent for all principal and accessory structures.

SECTION 1003: I-2 GENERAL INDUSTRIAL DISTRICT

1003-1 **Principal Uses Permitted by Right: I-2 General Industrial District**

- a. Lower-intensity office uses:

Accounting offices.

Advertising agencies.

Architectural, engineering, and similar offices.

Business Offices.

Business service establishments, including:

- Consumer credit reporting agencies.
- Duplicating services.
- Mailing and stenographic services.
- Management consulting services
- Other similar business services.

Insurance offices, but not insurance claims centers.

Legal offices.

Non-profit organization offices (but not meeting halls), including:

- Civic, social, and fraternal organizations.
- Political organizations.
- Professional membership organizations.
- Labor unions.

Stock, bond and other brokerage establishments.

b. Higher-intensity office uses:

Governmental offices.
Medical offices and outpatient clinics.
Real estate offices.
Insurance claims centers.

c. General sales and service uses as listed below:

Ambulance service.
Amusement device sales and service.
Appliance repair.
Automobile and light truck rental agency storage and maintenance yards.
Automobile and light truck sales and service agencies.
Automobile filling and service stations.
Automobile parts and accessory stores including the installation of parts and accessories.
Automobile repair, but not bumping and painting.
Boat and boat accessory sales establishments.
Boat storage establishments.
Building cleaning establishments.
Farm equipment sales and service establishments.
Feed and seed stores.
Food storage lockers.
Furniture and domestic equipment rental establishments.
Furniture repair and refinishing.
Golf driving ranges.
Greenhouses and retail nurseries.
Mechanical and electrical equipment repair.
Motorcycle sales and service establishments.
Printing, binding, Photostatting, phototypesetting, blueprinting and similar establishments.
Plumbing and heating contractor establishments.
Recreation vehicle sales and service establishments.
Small motor and machine repair.
Trailer sales and rental establishments.
Upholstering, cloth and canvas products fabrication, including the fabrication of slipcovers, awnings and similar products.
Warehouses for families and small businesses.

d. Light industrial uses as listed below:

Automobile and other motor vehicle body repair including bumping, painting and undercoating.
Building materials and supplies.
Custom cabinet making.
Construction contractors, except as otherwise specified.

Dry cleaning establishments, including those serving pick-up stations located off the premises.

Electrical contractors.

Greenhouses, wholesale.

Heating, ventilating and air conditioning contractors.

Insulation contractors.

Laboratories, research and testing.

Landscape contractors.

Laundries.

Lawn maintenance contractors.

Lawn spraying contractors.

Manned balloon launching facilities.

Plumbing contractors.

Sign manufacturing.

Upholstering and storage facilities.

Water-well drilling contractors.

e. Heavy industrial uses as listed below:

Bottle and beverage distributing.

Brewing and distilling.

Can and similar container manufacturing.

Carpet manufacturing.

Ceramic and pottery manufacturing.

Cloth products manufacturing from finished cloth.

Communications equipment manufacturing.

Component parts manufacturing.

Electronic and scientific instrument manufacturing.

Food manufacturing, packaging and processing.

Furniture manufacturing.

Glass products manufacturing.

Insulating materials manufacturing.

Jewelry manufacturing.

Leather products manufacturing.

Lumber milling.

Machine tool and automated tool manufacturing.

Mattress manufacturing.

Mechanical and electrical appliance and equipment manufacturing.

Metal products processing including machining, welding, molding, extrusion, buffing and polishing.

Motor freight terminals.

Musical instrument and case manufacturing.

Oil- and gas-well drilling contractors.

Optical goods manufacturing.

Orthopedic and medical appliance manufacturing.

Package express services.

Paper and cardboard products manufacturing.

Plastic molding and extrusion.

Pharmaceutical manufacturing.
Recreation vehicle assembly.
Rope, cord, and twine manufacturing.
Sporting goods manufacturing.
Structural steel fabrication.
Theaters, outdoor.
Trade schools involving industrial, motor vehicles and similar equipment.

- f. Amusement establishments including bowling alleys, skating rinks, indoor shooting ranges and dance halls.
- g. Automobile and other motor vehicle body repair, including bumping, painting and undercoating.
- h. Automobile filling stations.
- i. Automobile service stations.
- jk. Automobile washing establishments.
- k. Drive through facilities for permitted uses.
- l. Essential services as set forth in SECTION 1105-6.
- m. Laboratories, film
- n. Laboratories, medical and dental.
- o. Temporary outdoor sales conducted by uses permitted by right and special land uses.

1003-2 **Principal Uses Permitted as Special Land Uses: I-2 General Industrial District.**

- a. Very heavy industrial uses as listed below:
 - Automobile assembly.
 - Automobile testing and race courses.
 - Biotechnical products manufacturing.
 - Cement and cement products manufacturing.
 - Chemical manufacturing, basic or semi-finished, including but not limited to animal, vegetable and mineral fats and oils; asphaltic and tar products including asphaltic paving materials; cellulose products; combustible gases and explosives; dye stuffs; fertilizers; glue; paints and other coating; soaps and detergents; resins.
 - Chemical manufacturing, heavy, including but not limited to ammonia, caustic soap, sulfuric acid, mineral acids and other corrosives.
 - Coal and coke yards.
 - Drop forging.
 - Garbage and refuse incineration or compaction.
 - Glass manufacturing.

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Go-cart courses and tracks.
Grain elevators.
Hazardous waste disposal and incineration.
Junk yards, including junk processing, sale, storage, reclamation of any kind.
Leather curing and tanning.
Lime, gypsum and plastic manufacturing.
Lumber milling and planing.
Medical marijuana dispensaries.
Metal or alloy ingot manufacturing.
Metal stamping and pressing.
Metal plating.
Paper and paper products milling.
Paving contractors.
Petroleum bulk storage.
Petroleum refining.
Power plants.
Rubbish and garbage removal contractors.
Sexually oriented businesses.
Slaughtering or processing of animals.
Smelting of ferrous and non-ferrous metals.
Stockyards.
Temporary outdoor or tent sales not conducted in junction with a permanent use permitted by right or permitted as a special land use.
Tire manufacturing.

1003-3 Accessory Structures: 1-2 General Industrial District.

- a. No accessory structure shall occupy more than fifteen (15) percent of the floor area of the principal uses. No accessory building or combination of accessory buildings on one zoning lot shall contain a floor area which is greater than fifteen (15) percent of the floor area of the principal building to which it is accessory.
- b. No accessory building or equipment shall be located in any required or unrequired front yard area. For the purpose of this section equipment shall include Heating, Ventilating and Air Conditioning (HVAC), radio, television, microwave, transmitting and receiving equipment, satellite dishes or other similar equipment.
- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

1003-4 Minimum Lot Size Requirements: 1-2 General Industrial District

- a. For individual industrial lots not located in an industrial park as defined in ARTICLE II.
 1. Minimum lot area: 4 acres.
 2. Minimum lot width: 300 feet, or one-third (1/3) lot depth, whichever is greater.

- b. For individual industrial lots located in an industrial park as defined in ARTICLE II.
 1. Minimum lot area: 60,000 square feet.
 2. Minimum lot width: 150 feet, or one-third (1/3) lot depth, whichever is greater. The minimum lot width shall be located on a public right-of-way.

1003-5 **Minimum Yard Requirements: I-2 District**

- a. Minimum setback requirements for principal and accessory buildings:
 - Front: 100 feet from any right-of-way line.
 - Side:
 - (1) From property lines of property zoned agricultural or residential: 60 feet for the first 15 feet of building height, plus 5 feet for each additional foot of building height.
 - (2) From other property: 30 feet.
 - Rear:
 - (1) From property lines of property zoned agricultural or residential: 60 feet for the first 15 feet of building height, plus 5 feet for each additional foot of building height.
 - (2) From other property: 40 feet.
- b. Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and by specifically permitted:
 1. Signs as set forth in ARTICLE XV,
 2. Nonresidential perimeter controls as set forth in SECTION 1709,
 3. Exterior lighting as regulated in SECTION 1704,
 4. Swimming pools and related structures as set forth in SECTION 1711 ,
 5. Projections into required yards as set forth in SECTION 1804 ,
 6. Litter containers for pedestrians as set forth in paragraph d below,
 7. Unsheltered parking areas as set forth in paragraph e below, and
 8. Driveways.

Landscape features such as berms and retaining walls shall not be considered obstructions subject to a site plan review finding that any such features which are present in a particular site plan conform reasonably to the natural environment or the site and the general area in which they are proposed.

- c. Side and rear yards which abut street shall conform to the same yard setback and other requirements as front yards.
- d. Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors. All areas for the temporary storage of garbage and trash, except litter containers for pedestrians, shall be enclosed as provided in SECTION 1305.
- e. Unsheltered parking shall be permitted in required front, side, and rear yards, but not within required landscape buffer strip nor closer than 20 feet to any property line of property zoned agricultural or residential. Unsheltered parking shall be permitted in unrequired front, side, and rear yard areas.
- f. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards.

1003-6 **Maximum Bulk Requirements: I-2 District.**

- a. Maximum structure height: 35 feet.
- b. Maximum lot coverage by buildings: Twenty-five (25) percent for all principal and accessory structures.

SECTION 1004. OTHER REQUIREMENTS

See ARTICLE XI for additional requirements pertaining to special land uses. See ARTICLES XVII and XVIII for additional requirements pertaining to general provisions and general exceptions.

**ARTICLE XI
PROCEDURES AND STANDARDS FOR APPROVAL OF SPECIAL LAND USES**

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ARTICLE XI
PROCEDURES AND STANDARDS FOR APPROVAL OF SPECIAL LAND USES

SECTION 1100. INTENT

This section sets forth review procedures and standards for Planning Commission review and approval, approval with conditions, or disapproval of special land uses. These procedures and standards are instituted to provide an opportunity to use a lot for an activity which, due to their characteristics require special conditions imposed upon them to provide protection to adjacent land uses and which, in certain circumstances, may not be permitted on a particular lot. These procedures and standards are adopted to provide guidelines for the Planning Commission to follow in arriving at any special land use decision, and to provide for the public health, safety, and general welfare.

SECTION 1101. PROCEDURES

1101-1 **Application by Owner of Interest in Subject Property**

An application for the approval of special land use shall be made by an owner of an interest in the land on which the use is to be located to the Zoning Administrator accompanied by the necessary fees and documents as requested herein. No applicant shall be refused an application.

1101-2 **Application Forms and Documentation**

The application shall be made on forms provided by the Zoning Administrator and shall be accompanied by the same documentation required for site plan review except that three (3) copies of all plans shall be submitted.

1101-3 **Application Fee**

The application for approval of a special land use shall be accompanied by a deposit against an application fee sufficient to cover all costs associated with township review of the application. Such costs shall include but not be limited to cost of providing required public notice and thorough planning, engineering, scientific and/or other necessary professional reviews. The Township Board shall from time to time establish by resolution the amount of the application fee deposit.

1101-4 **Application Referred to Planning Commission**

The application for approval for a special land use shall be referred to the Planning Commission at its next regularly scheduled meeting which takes place twenty one (21) calendar days or more after the initial submission of the complete application to the Zoning Administrator.

1101-5 Zoning Administrator Review Application Submissions For Completeness and Eligibility of Use

Prior to submitting the special land use application to the Planning Commission, the zoning administrator shall review it and shall determine: 1) if the application is complete and contains the information required in Section 1101-2, and 2) if the subject use is a use listed as a special land use in the district in which the subject property is zoned. If the zoning administrator finds that the application is incomplete, he/she shall return it to the applicant for required changes.

1101-6 Preliminary Site Plan Review

If the Zoning Administrator determines that the site plan is complete, he/she shall call a meeting of the site plan review committee. This committee shall consist of the Zoning Administrator and three members of the Township Planning Commission. Members of the Planning Commission shall serve on a rotating basis on the site plan review committee. The committee shall review the site plan based on the provisions of this article and other relevant provisions of this ordinance and prepare a recommendation to the Planning Commission to approve, approve with conditions or deny the site plan approval request.

1101-7 Planning Commission Action on Complete Applications for Eligible Uses: Public Hearing and Notice Requirements

If the Zoning Administrator determines that the application is sufficiently complete to allow substantive review and that the subject use is listed as a special land use in the zoning district in which the subject property is located, the applicant or his/her representative must appear before the Planning Commission which shall hear any person wishing to express an opinion on the application at its next regular meeting, provided such regular meeting provides adequate time to notify adjacent property owners and post one notice of public hearing as required below:

- a. The Secretary of Township Planning Commission shall be responsible for publishing a notice of such public hearing for a special land use in a newspaper of general circulation in the township and shall send a notice of such public hearing by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet.
- b. The notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered.
- c. If the name of the occupant is not known, the term occupant may be used in making notification. Notification shall be given to the occupant of each dwelling unit or spatial area which is owned or leased by different individuals, partnerships, business or organizations from other dwelling units or spatial areas.
- d. The notice shall:
 1. Describe the nature of the special land-use request.

2. Indicate the property which is the subject of the special land-use request.
3. State when and where the public hearing on the special land-use request will be held.
4. Indicate when and where written comments will be received concerning the request.

1101-8 Planning Commission Resolution of Findings

The Planning Commission shall pass a resolution setting forth its findings regarding the general and specific standards set forth herein, and shall approve, approve with conditions, or disapprove the application. The resolution shall state the reasons for the Commission's findings. Actions to approve or approve with conditions shall require a majority vote of all members of the Planning Commission, not just a majority of the quorum present at the meeting. Said resolution may be passed at the meeting at which the application was considered. If the application is found by the Planning Commission to be inadequate for the commission to render a decision, the commission may table the application for further information. If the date of the next review is not set at the time the application is tabled, notice of the second meeting shall be given as required above.

1101-9 Resubmission of Denied Applications Restricted

No application for a Special Land Use Permit which has been denied by the Planning Commission shall be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of change of conditions, sufficient to justify reconsideration by the Planning Commission. Each reapplication will be treated as a new application.

1101-10 Expiration of Special Land Use Approval

Special land use approval shall expire within 12 months of the date of the resolution approving the application unless the approved use has occupied the subject site or construction pursuant to the approved application has commenced and progressed to the satisfaction of the building inspector and / or zoning administrator. An applicant may reapply for approval of an expired approval, but such approval shall only be granted if the site plan meets all ordinance requirements in effect on the date of reapplication. The reapplication shall be reviewed in light of changed circumstances around the site which may necessitate site plan modifications in order to conform to applicable standards.

SECTION 1102. GENERAL STANDARDS FOR APPROVAL OF SPECIAL LAND USES

The Planning Commission shall approve special land uses upon determination that the proposed use will comply with all requirements of this Ordinance including the applicable standards for specific uses set forth in SECTION 1104 and the following general standards:

1102-1 Interpretation of Special Land Use Standards

Uses set forth in this Ordinance as special land uses shall be deemed to be adverse to the public interest except in specific instances when the Planning Commission finds that all ordinance standards for approval of such uses are met. When the Planning Commission does find that all standards for approval of a particular special use at a specific location have been met, then the Planning Commission shall approve the use at that location.

1102-2 **General Special Land Use Standards Pertaining to Harmony with the Comprehensive Plan and Zoning Ordinance and Protection of Public Interest**

Prior to approving any special land use, the Planning Commission will find based on competent and substantial evidence that:

- a. In cases where the property is adjacent to different zoning districts or the comprehensive plan indicates a different use district, than consideration should be given to whether the use exactly as proposed at the location where proposed will be in harmony with the uses which would be permitted
- b. The use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area. This standard shall not apply if the Planning Commission finds that land use trends encouraged and/or approved by the Comprehensive Plan are likely to result in substantial change in the pattern of existing uses.
- c. The use exactly as proposed will not result in substantially less public benefit nor greater public harm than would result from use of the site for some use permitted by right or some other special land use permitted on the site.
- d. The use exactly as proposed will not result in development in advance of when such development is approved by the Comprehensive Plan.
- e. The location of the proposed use will not result in a small area being completely or substantially isolated from other compatible areas by the proposed use or by thoroughfares.

1102-3 **Specific Standards Applicable to All Special Land Uses**

Prior to approving any special land use the Planning Commission must find based on competent substantial evidence that:

- a. The proposed use will not reduce the level of service provided on any street to a lower level than would result from a development permitted by right.
- b. The proposed use will not result in a significantly greater amount of through or otherwise non-local traffic on local streets than would result from a development permitted by right.
- c. The proposed use will be so located in relation to the thoroughfare system that any required alteration in that system necessitated by the proposed use will NOT be greater than would be required by a use permitted by right.

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- d. The proposed use will be so located in relation to utility systems that any required alterations in such systems necessitated by the proposed use will NOT be greater than would be required by a use permitted by right. Utility systems considered in the application of this standard shall include, but not be limited to water, sanitary sewer, storm sewer and surface drainage systems. Alterations considered shall include extensions, enlargements and other alterations.
- e. The proposed use will not place a demand on municipal police or fire protection services beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.
- f. The size of the special land use and the nature and intensity of the operations involved when considered in conjunction with its location will not be hazardous nor inconvenient to the predominant character of the area in which it is to be located not to the long range development of the district for the primary purposes intended.
- g. The site design and operating characteristics of the proposed use shall, as a minimum, conform to applicable site design regulations and standards and all other applicable procedures and standards of this Ordinance.
- h. The site design and operating characteristics of the proposed use will minimize the impact of site activity on surrounding properties. In determining whether or not this requirement has been met, consideration shall be given to:
 - 1. The location of principal and accessory buildings in relationship to surrounding property.
 - 2. The location and screening of outdoor storage or activity areas and mechanical equipment in relationship to surrounding development.
 - 3. The location and screening of vehicular circulation and parking areas in relationship to surrounding development.
 - 4. The hours of operation of the proposed use. In granting the approval for a special land use, restrictions may be set upon the hours of operation as appropriate to ensure minimal impact on surrounding uses.
 - 5. The proposed use will be operated in such a way as to not result in degradation of ground or surface water or threaten wild life to an extent greater than would be likely to result from any use permitted by right.
 - 6. Other site design and operating characteristics of the proposed use in relationship to surrounding uses and the environment in general.
- i. The site and architectural design of the proposed use will be such as to provide and improvement of the general environment of the surrounding area. In determining whether or not this requirement has been met, consideration shall be given to:

1. The provision of landscaping or other site amenities over and above those required by specific stipulations in ARTICLE XIII, or other applicable landscaping provisions of this Ordinance.
2. The compatibility of the scale, massing, placement and materials of construction of the proposed use in relation to the size and amenities of its site and in relation to surrounding uses.

SECTION 1103. CONDITIONS AND SAFEGUARDS

- 1103-1 Prior to granting approval for a use subject to special conditions, the Planning Commission may impose any additional conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the approval as in its judgment may be necessary for the protection of the public interest.
- 1103-2 Conditions and requirements stated as part of the approval of the use to special land uses shall be a continuing obligation of holders of approval. The Zoning Administrator shall make periodic investigations of developments authorized by approval of special land uses to determine compliance with all requirements.
- 1103-3 Continuance of special land-use approval by the Planning Commission shall be withheld only upon a determination by the Zoning Administrator to the effect that:
- a. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued.
- 1103-4 All plans, specifications and statements submitted with the application for a special land-use approval shall become, with any changes ordered by the Planning Commission, a part of the conditions of any approval issued by the Planning Commission pursuant thereto.

SECTION 1104. NON DISCRETIONARY SPECIAL LAND USES

Identified in certain zoning districts are non-discretionary special land uses. These uses still require the submission of an application, but approval is based on non-subjective criteria. Determination of compliance with a non-discretionary special land use is made by the zoning administrator. The standards for approval are below.

- 1104-1 **Temporary Mobile Home, Motor Home, Travel Trailers for Owner Occupancy During Construction of Single Family Homes.**

To permit single family home sites the temporary utilization of mobile homes, motor homes, and travel trailers for owner occupants constructing their own homes or in special cases where a contractor is constructing the home for the owner occupants on the same site. Approval for such structure shall be subject to the following limitations:

- a. Approval shall be granted for a period of up to 18 months at the discretion of the Zoning Administrator and Building Inspector.

1. Motor homes and travel trailers by nature of their use, are normally self contained (lights, gas, and sewage containment). It would be desirable but not required for the hook up of the basic services on site for request approval.
 2. Mobile homes are generally for use in an approved Mobile Home Park and not allowed elsewhere as per this ordinance. Granting the temporary use for this type of home shall occur only when basic utilities are provided for on site (lights, sewage facilities) and are connected.
- b. No mobile home, motor home, travel trailer shall be moved onto any lot under the terms of this section until a building permit for the permanent structure has been issued and proof of temporary services has been supplied (temporary electric and septic field or other approved sewage holding device).
 - c. The applicant shall present a mortgage commitment or other satisfactory evidence of adequate construction financing.
 - d. The applicant shall post a bond adequate to cover the cost of removing any motor home, travel trailer or mobile home from the site at the end of the approved period. Motor homes and travel trailers shall be removed within 30 days after construction has been completed and an occupancy permit has been issued, unless said vehicle is the property of the owner occupant. Any temporary sewage apparatus must be removed at this time.
 - e. The applicant shall authorize the Township in writing to use the bond to remove the mobile home at the end of the eighteen (18) month period.

1104-2 **Temporary Outdoor Sales as Accessory Use**

The outdoor sale of merchandise such as sidewalk sales, inventory reduction/liquidation sales, seasonal merchandise sales is permitted as a nondiscretionary special land use, provided that it complies with the following conditions:

- a. No business shall conduct more than (4) four such sales per year, each of which may last no longer than (7) seven days.
- b. Temporary signs used to advertise the sale shall comply with the provisions of this ordinance.
- c. Material on sale shall not occupy a right-of-way or a clear vision triangle, as defined in Section 1706.
- d. On parcels adjacent to property used residential, the outdoor sales activity shall be no closer to the side lot line of the residential property than the required side yard set back for a principal use.

1104-3 **Emergency Housing**

When a dwelling is destroyed by fire, collapse, explosion, acts of God, or acts of a public enemy; a permit may be issued to the owner at the time of destruction by the zoning administrator to place a mobile home on site for not more than eighteen (18) months to serve as temporary housing. An extension for a period of not more than six (6) months may be granted by the Zoning Board of Appeals. Such extension may be granted when the following standards are met:

- a. A good faith effort has been shown to rebuild the destroyed structure.
- b. The time extension is reasonably necessary considering the practical difficulties associated with actual construction.
- c. Occupancy of the structure being rebuilt is reasonably possible within the time extension.
- d. Granting of the time extension to the application and other similarly situated parties will not prohibit enforcement of any provisions of this ordinance, unduly overburden administration and enforcement resources, or adversely affect general health, welfare and safety or adjacent properties or the general community.
- e. The applicant shall post a bond and authorize the Township in writing to use the bond to remove the mobile home at the end of the eighteen (18) month period.

SECTION 1105. SPECIFIC STANDARDS FOR APPROVAL OF SPECIAL LAND USES

1105-1 **Adult Oriented Uses**

a. **Use Limitations**

Adult-oriented uses shall include:

Bookstores which have more than ten (10) percent of their stock in trade (inventory units), books, magazines or other publications, the sale of which is prohibited to minors.

Cabarets or bars with live topless and or bottomless type entertainment, hostesses, waitresses, or other employees.

Massage establishments.

Nude photographic studios.

Theaters and mini-theaters which have more than ten (10) percent of their screening time over a six-month period devoted to motion pictures, the attendance at which is prohibited to minors. Video tape or film sales and rental establishments which have more than ten (10) percent of their stock in trade (inventory units), video tape or films the sale or rental of which is prohibited to minors.

b. Locational Requirements

Adult-oriented uses are permitted only as special land uses only in the CB District.

Not more than one (1) adult-oriented use shall be permitted within a thousand-foot (1000') distance. No adult-oriented use shall be permitted within one thousand (1000) feet of a residential district or use. No adult-oriented use shall be permitted within one thousand (1000) feet of any site on which is located a church, school, park or playground, or any area where minors regularly congregate. Adult-oriented uses shall only be located in a commercial center of three (3) or more individual businesses other than adult-oriented uses, and the gross floor area of adult-oriented uses shall not exceed twenty-five (25) percent of the total gross square footage of the commercial center in order to prevent the undue concentration of such uses in an area, which may alter the character of the area. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas. All entries, windows, and other building openings for adult uses shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public area.

1105-2 Airports and Landing Fields

a. Locational Requirements

1. Landing strips shall be at least five hundred (500) feet from any adjacent parcel and one thousand (1000) feet from any area where 5 or more homesites are developed at a density of one dwelling unit per acre or greater.
2. No new airport or landing field shall be established nor shall any existing airport or landing field have its facilities expanded if the property within one thousand (1000) feet of the zoning lot on which it is located is developed at a net density greater than one (1) dwelling unit per acre.

b. Minimum Site Size

Fifty (50) acres.

c. Agency Approval Required

Plans for such facilities shall be approved by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics prior to final Township approval.

1105-3 Amusement Parks

a. Use Limitations

Amusement Parks shall be limited to facilities for the commercial operation of midway attractions and motorized rides; and the selling of snacks and trinkets to midway and ride patrons.

b. Access and Egress Requirements

Access and egress shall be provided from a major arterial.

c. Minimum Site Size

Fifty (50) acres.

d. Minimum Distance of Buildings, Parking and Activity Areas from Residential Areas

1. Minimum distance of parking areas from residential areas: 150 feet.
2. Minimum distance of motor vehicle activity areas from residential areas: 500800 feet.
3. Minimum distance of buildings and all other activity areas from residential areas: 500 feet.

e. Landscaping and Screening Requirements

1. Landscaping and screening shall be provided in accordance with the provisions of SECTION 1302-5.
2. Areas where noise generating activities are concentrated shall be screened with walls, berms, depressions, or natural topographic features which ensure that noise levels generated by site activity will not exceed the levels permitted by SECTION 1404.

1105-4 Campgrounds and Recreational Vehicle Parks

a. Use Limitations

1. Use of campgrounds and recreational vehicle parks shall be limited to transient recreational purposes and shall not be used for residential purposes. The use of recreational vehicle sites within such campgrounds and recreational vehicle parks shall be subject to the following:

b. Extended stay sites. Twenty percent of the recreational vehicle sites in a campground and recreational vehicle park may be occupied by the same recreational vehicle indefinitely, provided that:

1. Between December 1 and ending on March 1 of the following year, occupancy of extended stay sites on these recreational vehicle sites will be limited to a maximum of 7 days. After staying 7 days, occupancy will only be permitted after a 7 day absence.
2. The water supply to individual recreational vehicle sites shall be turned off during the period beginning on each December 1 and ending on March 1 of the following year.

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3. Recreational vehicle sites to be used as extended stay sites shall be designated on the approved site plan of the facility. Sites not so designated shall not be so used.
- c. Other sites. All other sites in campground and recreational vehicle parks shall be occupied by the same equipment for a period not to exceed fourteen (14) consecutive days.
 2. Retail and service uses shall be limited to the accessory provision of goods and services. Not more than five (5) percent of the gross park area shall be devoted to such accessory uses. Such uses should not be visible from campground and recreational vehicle park boundaries.
- d. Access and Egress Requirements

Access and egress shall be provided only from and to a major or minor arterial or rural collector road.
- e. Minimum Site Size

Thirty (30) acres.
- f. Distance of Buildings, Parking and Activity Areas from Residential Uses

One hundred fifty (150) feet.
- g. Maximum Density
 1. Not more than ten (10) campsites shall be permitted per acre of total park size.
 2. Each campsite shall be at least fourteen-hundred (1400) square feet in area.
 3. Recreational vehicles shall be parked no closer than fifteen (15) feet to each other.
- h. Road, Pad and Parking Area Surfacing Requirements

Roads, recreational vehicle pads and parking areas shall be surfaced with gravel or paving material adequate to remain in good condition throughout the one operating season without maintenance.
- i. Sight Barrier Requirements

Sight barriers shall be provided in accordance with the provisions of SECTION 1302-5.

1105-5 Cemeteries, Public and Private

- a. Access and Egress Requirements

Access and egress shall be provided only from and to a major or minor arterial or rural collector road.

- b. Minimum Site Size
Public - Fifteen (15) acres.

Private - A minimum of ten (10) acres with at least 22,000 square feet (1/2 acre) dedicated to cemetery use

- c. Distance of Buildings, Parking and Activity Areas (not including grave sites) from Residential Uses fifty (50) feet.

Mausoleum structures, maintenance buildings, and similar facilities shall be set back at least one-hundred-fifty (150) feet from any residential property line.

1105-6 **Essential Services**

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of overhead surface or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this Ordinance, provided, however, that the installation shall conform to Federal Communications Commission regulations, and those of other authorities having jurisdiction. However, the following essential services shall be subject to the special land use provisions of ARTICLE XI, except in the I-1 and I-2 Districts where they shall be permitted by right, but in any case must follow site plan review.

- a. Electrical substations.
- b. Gas regulator stations.
- c. Major transmission lines.
- d. Radio & television towers.
- e. Telephone exchange and transmission equipment buildings.
- f. Railroad rights-of-way.
- g. Water pumping stations.
- h. Water and waste-water works, reservoirs, pumping, and filtration plants.

1105-7 **Group Day Care Homes Of Twelve or More People**

- a. Is not located closer than 1,500 feet to any of the following:
 - (i) Another licensed group day care home of twelve (12) or more people.
 - (ii) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - (iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - (iv) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- b. Has appropriate fencing for the safety of the children in the group day care home as determined by the township.
- c. Maintains the property consistent with the visible characteristics of the neighborhood.
- d. Meets regulations, governing signs used by a group day care home to identify itself.
- e. Meets regulations, requiring a group day care home operator to provide off street parking accommodations for his or her employees.

1105-8 **Churches and Other Houses of Worship**

- a. Access and Egress Requirements
 - . Access and egress shall be provided only from and to a major or minor arterial or rural collector road.

1105-9 **Colleges, Universities, and Similar Institutions of Higher Learning**

- a. Use Limitations

Such uses shall be restricted to colleges, universities and other institutions of higher learning, both public and private, offering courses in general, technical or religious education. The provisions of this section are not intended to permit the establishment of trade schools for the purposes of training operators of motor vehicles or heavy equipment.
- b. Access and Egress Requirements

Access and egress shall be provided only from and to a major or minor arterial or rural collector road.

c. Minimum Site Size Requirements

Five (5) acres and subject to site plan review.

d. Distance of Buildings, Parking and Activity Areas from Residential Areas

1. No building used for instruction, offices or residences shall be closer than seventy-five (75) feet to any residential property line.

2. Other buildings and outdoor athletic areas shall be no closer than one hundred fifty (150) feet to any residential property line. For the purpose of this section, a residential property line shall not be construed to be a property line adjacent to a major or minor arterial or collector road as defined in ARTICLE II.

1105-10 Drive-In Theaters

a. Access and Egress Requirements

Access and egress shall be provided only from and to a major or minor arterial or rural collector road.

b. Minimum Distance of Buildings, Parking and Activity Areas from Residential Areas

1. Minimum distance of screen from residential property lines: 250 feet.

2. Minimum distance of viewing areas and vehicular circulation areas from residential areas: 150 feet

c. Provision of Adequate Off-Street Entry Space

Adequate space shall be provided so that no vehicles, waiting or standing to enter the facility shall have to stand within a dedicated right-of-way.

d. Landscaping and Screening Requirements

1. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major and minor thoroughfares. All lighting used to illuminate the area shall be installed as to be confined within, and directed onto the premises of the outdoor theater site.

2. Sight barriers shall be provided in accordance with the provisions of SECTION 1302-5.

1105-11 Golf Courses

a. Use Limitations

Commercial retail activities shall be limited to those which provide members, guests and other golfers with products and services such as golf equipment and eating and drinking directly related to golf activities. Restaurant, banquet and party services may be provided so long as the traffic generated from such services plus the traffic generated from all other golf course activities does not exceed the amount of traffic which would be generated if the entire golf course site were developed with residential uses at permitted densities.

b. Access and Egress Requirements

Access and egress shall be provided only from and to a major or minor arterial or rural collector road.

c. Minimum Site Size

Fifty (50) acres.

d. Minimum Distance of Buildings, Parking and Activity Areas from Residential Areas

All principal and accessory buildings shall be at least two hundred (200) feet from any property zoned or used for residential purposes or zoned for agricultural purposes, except where natural topographic or vegetative conditions completely screen buildings from adjoining property. Fairways and greens shall be at least 50' from lot lines and 100' from right of ways.

1105-12 Home Occupation.

Home occupations are recognized as important alternative or secondary sources of incomes for residents of Richfield Township. However, the township also recognizes the potential problems that home occupations can cause for surrounding residents, including noise, light and traffic problems, as well as buildings and storage facilities out of character with the surrounding residences. These regulations are designed to permit home occupations, while protecting surrounding residences. They recognize the ease with which home occupations can expand beyond the scope originally envisioned by the owner or the community. A home occupation may be conducted only within a principal structure subject to and only upon the issuance of a permit therefore issued by the Township Planning Commission. Such permit shall be issued only after the Township Planning Commission is satisfied that the applicant meets the following conditions:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation.
- b. The use of the principal structure for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purpose of the home occupation.

- c. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than:
 1. One (1) sign not exceeding one (1) square foot in area, non illuminated, and mounted flat against the wall of the dwelling if the dwelling is on a lot in less than an acre
 2. One (1) free standing, two faced, non illuminated sign not to exceed two (2) feet in height and three (3) feet in width, the top of which shall be no more than six (6) feet above the ground, if the dwelling is on a lot an acre or more in size.
- d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- f. No outdoor storage associated with the home occupation shall be permitted.
- g. Any commercial vehicles rated over one (1) ton used in conjunction with the home occupation parked on the property shall be kept in a garage.
- h. No more than one home occupation shall be permitted per residence.
- i. The home occupation shall be open to the general public or to any customer of the home occupation during the hours of operation to be determined by the Planning Commission.
- j. Permit Procedure.

A home occupation shall be reviewed and approved following the procedures required for special land uses.

1105-13 Horse Racing and Dog Racing Tracks

- a. Access and Egress Requirements

Access and egress shall be provided only from a major or minor arterial.
- b. Minimum Site Size Requirements

One hundred fifty (150) acres.
- c. Distance of Buildings, Parking and Activity Areas from Residential Areas

1. Minimum distance of parking areas from residential areas: 150 feet.
2. Minimum distance of viewing stands from residential areas: 500 feet.
3. Minimum distance of tracks from residential areas: 300 feet.
4. Minimum distance of all other activity areas from residential areas: 300 feet.

d. Landscaping and Screening Requirements

Landscaping and screening shall be provided in accordance with the provisions of SECTION 1302-5.

1105-14 Junk (Salvage) Yards

a. Use Limitations

Open burning of materials or the open burning of junk cars shall be prohibited.

b. Access and Egress Requirements

All access and egress shall be from a major arterial.

c. Landscaping and Screening Requirements

Sight barriers shall be provided in accordance with the provisions of SECTION 1302-5

d. Water Protection Operations Plan

Operations shall be in accordance with an approved plan for protecting ground and surface water from contamination by hazardous materials. Said plan shall be submitted and reviewed pursuant to site plan review.

1105-15 Kennel

For raising dogs, cats, and other household pets, subject to the following conditions:

- a. For the purpose of this Ordinance, a kennel shall be defined as any area or structure where animals are housed and spend the majority of their time.
- b. The person requesting the permit desires to house five (5) or more animals on the parcel of land for which a permit is being requested.
- c. The parcel of land for which a kennel is being requested must consist of at least one (1) acre.

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- d. No more than ten (10) animals may be kept at one time, unless a special request is made therefor and the Planning Commission considers additional factors including, but not limited to, lot size, setbacks, proximity to neighbors, and surrounding land usage.
- e. Kennel structures must be placed in the rear yard only and no part of the kennel structure shall be less than twenty (20) feet from any property lines or less than fifty (50) feet from existing right-of-way lines or less than fifty (50) feet from any habitable structure.
- f. All waste must be buried or otherwise disposed of in such a manner that it will not be a nuisance to any neighbor nor create any situation detrimental to the health, safety or general welfare of the kennel owner or any neighbor.
- g. Any other conditions deemed necessary by the Planning Commission as specified in Section 1102-1.

1105-16 Motor Vehicle Amusement Facilities

a. Use Limitations

Motor vehicle amusement facilities shall include tracks and other areas for the concentrated recreational use of go-carts, motorcycles, automobiles, trucks and other motorized vehicles.

b. Access and Egress Requirements

Access and egress shall be provided only from a major or minor arterial.

c. Minimum Site Size Requirements

Fifty (50) acres.

d. Distance of Buildings, Parking and Activity Areas from Residential Areas

- 1. Minimum distance of parking areas from residential areas: 50 feet.
- 2. Minimum distance of motor vehicle activity areas from residential areas: 300 feet
- 3. Minimum distance of buildings and all other activity areas from residential areas: 300 feet

e. Landscaping and Screening Requirements

- 1. Landscaping and screening shall be provided in accordance with the provisions of SECTION 1302-5.
- 2. Areas where noise generating activities are concentrated shall be screened with walls, berms, depressions or natural topographic features which ensure

that noise levels generated by site activity will not exceed those permitted by right.

1105-17 Planned Residential Developments

Planned residential developments shall be subject to the provisions of ARTICLE XII and not to the provisions of ARTICLE XI.

1105-18 Roadside Stands

a. Use Limitations

Roadside stands shall operate only for the purpose of selling agricultural products produced on the premises of the stand by the owner of the stand and/or his family.

b. Development Restrictions

A roadside stand may entail the use of temporary structures other than buildings, and/or the use of open land, and/or the use of permanent buildings. If a roadside stand entails the use of temporary structures other than buildings, said temporary structures shall be a minimum of twenty-five (25) feet from any road right-of-way line, a minimum of forty (40) feet from any side lot line, and a minimum of one-hundred (100) feet from any rear lot line. If a roadside stand entails the use of temporary or permanent buildings, said temporary and permanent buildings shall meet the minimum yard setback requirements applicable to nonresidential principal uses in the district where located. A minimum of five (5) parking spaces shall be provided for each roadside stand. Parking spaces shall be arranged to permit adequate ingress and egress. Additional parking spaces arranged as determined appropriate may be required as determined by the Planning Commission if, in the Commission's judgment, such additional spaces are required to meet the parking demand likely to be generated by a particular roadside stand.

1105-19 Sand and Gravel Extraction

a. Extractive Operation Special Land Use Permit

If the owner and/or operator of the extractive operation violates any conditions of approval, the permit shall be revoked.

b. Compliance Reports by Zoning Administrator

To ensure compliance, the Zoning Administrator shall conduct quarterly inspections. If a complaint is rendered the Zoning Administrator shall make an immediate inspection and file a written notice to the permit holder.

c. Application Submission Requirements

Applications for special land use permits shall include all otherwise required information for special land uses. In addition, the application shall also include the following information:

1. Three (3) copies of an identification survey, prepared by an engineer or surveyor certified by the State of Michigan to prepare such survey, drawn to a scale of one (1) inch equals two hundred (200) feet. This survey shall include the boundary for the entire tract by courses and distances, boundary of exact area being petitioned for, and the means of vehicular access to the proposed operation. An estimate of the quantity of excavation shall also be provided.
2. A detailed plan for the extraction of the natural resource deposits. The plan shall provide for the protection of water courses, water bodies and wetlands from hazardous materials contamination and erosion directly or indirectly caused by extraction and restoration activities. The plan shall include a long range timetable for various stages of the operations and a phased restoration plan indicating how the area will be re-used in a manner compatible with the Master Plan. The restoration plan shall include the proposed use of the restored area, the proposed topography drawn as contours at an interval of two (2) feet and indicating water bodies or other major physical features, and the delineation of areas intended to be partitioned or subdivided, including the proposed layout. Insofar as practical, the restoration plan shall provide that an excavated area shall be restored within twelve (12) months of opening another area which yields the same materials. A specific timetable for extraction and restoration shall be included.
3. A detailed explanation as to routing of commercial vehicles and their size, weight and frequency of trips. If different routes will be used at different stages of the operation, a timetable for routing shall be included. The applicant shall submit these proposed routings to the Genesee County Road Commission for their review of the physical and design capabilities of these routes to accommodate the potential traffic. A letter from the Road Commission indicating their comments shall be included as part of this application.

d. Planning Commission Review

The Planning Commission shall approve the arrangement of operation activities

e. Surety Requirements

So as to assure faithful restoration, the petitioner shall deposit with the Township Clerk, cash, a certified check, and irrevocable bank letter of credit, or a surety bond acceptable to the Township Clerk. The amount of such deposit shall be as follows based on the actively mined area:

0.00	1.00 Acre	\$ 4,000.00
1.01	2.00 Acres	\$ 8,000.00
2.01	3.00 Acres	\$12,000.00

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3.01	4.00 Acres	\$16,000.00
4.00	5.00 Acres	\$20,000.00

add \$4,000.00 for each additional acre of the project.

This deposit shall be submitted by the petitioner prior to the issuance of any permit, and shall be held in escrow by the Township. The authorization of the zoning administrator, supported by the building inspector, with noted signatures attached, shall release the bond or irrevocable letter of bank credit that guarantees the renovation of the project described on the application.

f. Operating Requirements

Removal operations must be conducted in a way which is compatible with existing and proposed development and in a way which results in the proper restoration of the land. The following specific operating requirements shall apply:

1. Basic Conditions: Resource related industries including but not limited to concrete batching plants, asphalt mixing plants, and washing, sorting, crushing and grinding operations shall not be permitted as a part of the operation unless the activity is located in a Zoning District which would permit such a use.
2. Setbacks: Excavation, washing and stockpiling of extracted material shall not be conducted closer than one hundred fifty (150) feet to the outer boundary of the area approved for extractive operation. The setback area shall not be used for any use in conjunction with the extractive operation, except access roads. All such activities, equipment, roadways and material storage areas shall also be treated, covered, muffled or otherwise controlled to ensure compliance with performance standards set forth in SECTION 1404. Any trucks hauling any extractive materials to or from the site shall meet state requirements to prevent such materials from blowing or falling on public rights-of-way.

All private access roads shall be treated so as to create dust-free surface for a distance of five hundred (500) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the Township.
3. Frontage and Access: Each such tract of land shall have a minimum frontage on a major or secondary thoroughfare of at least one hundred fifty (150) feet, except that the Planning Commission may approve a tract that has no frontage if it is fronted by an active extractive operation, whose timetable for development would not conflict with the proposed operation, and written permission for access to a major thoroughfare is secured from any owner in fee or lease holder.
4. Fencing: Any excavation resulting in or producing for a period of one (1) month or more, collections of water or slopes as described below shall be subject to the following safety requirements:

- g. Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six (6) feet high and at least fifty (50) feet outside the edge of the excavation with suitable gate controlling access to the excavation area.
- h. Where collections of water are one (1) foot or more in depth for any period of one (1) month or more and occupying an area of two hundred (200) square feet or more, access to such collections shall be fenced as required in (a) above.
- i. In those instances where the extractive area is situated in marginal land areas consisting of swamp land or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way or as the Planning Commission may require to secure safety. The Planning Commission may require the posting of signs, KEEP OUT - DANGER, as needed.
 - 1. Slopes: Finished slopes of the banks of the excavation shall in no event exceed a minimum of five (5) feet to one (1) foot (five feet horizontal to one foot vertical) and where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five (5) feet. The slope requirements shall be met as the work in any one section of the excavation proceeds, and the time for completion of said slopes shall be within twelve (12) months of beginning the various excavation activities. The Planning Commission may extend the above twelve (12) month period to such longer period as satisfactory under the circumstances.
 - 2. Stable soil replacement shall be made immediately following the termination of excavating operations. All replaced stable soil shall immediately be planted with grass or other plant material acceptable to the Planning Commission so as to prevent erosion of slopes. Those lands under water or in approved beach areas are excluded from stable soil replacement and planting requirements.
 - 3. Explosives: Explosives shall be used in accordance with the Regulations for Storage and Handling of Explosives, as published by the Michigan State Police, Fire Marshall Division, East Lansing, Michigan.

1105-20 **Single-Family Attached Dwellings**

a. **Access and Egress Requirements**

Access and egress shall be provided only from and to a major or minor arterial or rural collector road.

b. **Minimum Lot and Buildable Area Requirements**

The minimum lot and buildable area requirements per dwelling unit for single-family attached dwellings shall be the same as for single-family detached dwellings. Minimum lot and buildable area requirements may be met in part with common open space.

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c. Minimum Setback Requirements

The minimum setbacks from property lines which divide single-family attached home from any other uses or any other developments shall be the same as for single family detached homes in the district where located. The minimum setback from property lines which divide single-family attached homes from other single-family attached homes within the same development shall be approved by the Planning Commission pursuant to special land use review. Zero setbacks may be approved as determined appropriate.

d. Minimum Separation Between Buildings

The minimum separation between buildings shall be as set forth in SECTION 704-7.

e. Minimum Development Standards

1. Minimum floor area per dwelling unit: 900 square feet.
2. Maximum building length: 180 feet.
3. Mandatory private outdoor space: A minimum of four hundred(400) square feet of private outdoor space shall be provided at ground level for each individual dwelling unit. Said private outdoor space shall be enclosed with a wall that is at least four (4) feet in height and constructed of materials equal in visual quality and durability to those which are used to cover the principal structure itself.
4. Maximum number of dwelling units per building: 6

1105-20 Temporary Residence for the Care of a Sick or Elderly Relative

- a. A property owner may make application to the zoning board of appeals to permit occupancy of a mobile home in Richfield Township as an accessory use to the principal dwelling in the RRA and SRA districts if a medical condition exists that said occupant requires supervision. The applicant may be required to provide certification from a physician stating that the patient requires supervision.
- b. Only one (1) mobile home to be allowed on a parcel of land (lot of record) where a permanent dwelling exists and to be located within 200 linear feet of the dwelling occupied by the person providing the continued supervision.
- c. No mobile home shall be moved onto any lot under the terms of this section until proof of temporary services has been supplied (temporary electric, water and septic field or other approved sewage holding device).
- d. This permit shall remain in effect only as long as the mobile home is occupied by the person identified in the permit and the conditions of the permit are complied with. When that person vacates the mobile home, the permit expires and the mobile home

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and temporary sewage/water apparatus shall be removed from the property within thirty (30) days.

- e. The applicant shall post a bond adequate to cover the cost of removing any mobile home from the site at expiration of the permit and shall authorize the township in writing to use the bond for removal of the mobile home if necessary.
- f. The zoning administrator shall review each temporary housing permit annually to determine compliance with the permit.

**ARTICLE XII
PLANNED RESIDENTIAL DEVELOPMENT PROCEDURES AND STANDARDS**

<u>SECTION 1200. PURPOSE</u>	12.1
<u>SECTION 1201. PROCEDURES</u>	12.1
<u>SECTION 1202. DATA REQUIREMENTS FOR PRELIMINARY PLAN APPROVAL</u>	12.6
<u>SECTION 1203. APPLICATION DATA REQUIREMENTS FOR FINAL PLAN APPROVAL</u>	12.7
<u>SECTION 1204. STANDARDS FOR RESIDENTIAL TYPE, BULK, AND YARD EXCEPTIONS</u>	12.7
<u>SECTION 1205. PLANNED UNIT DEVELOPMENT</u>	12.9

ARTICLE XII
PLANNED RESIDENTIAL DEVELOPMENT PROCEDURES AND STANDARDS

SECTION 1200. PURPOSE

This article sets forth review procedures and standards for planned residential developments. The planned residential development designation is so designed to preserve the Township's rural character and sense of spaciousness through the preservation of open space and spots of natural beauty, to provide visual variety to the Township's development pattern, to offer recreation opportunities close to home, to promote harmonious architecture between adjacent dwellings, to encourage the placement of structures in proper relationship to the natural characteristics of the site, and to encourage cooperative relationships between neighbors and participation by all age groups in the use of local open space tracts in new residential subdivisions. Planned residential development applications shall be approved for developments which accomplish these purposes and shall not be used under any circumstances merely to avoid the imposition of standards and requirements of other zoning classifications. The Planning Commission may require any reasonable condition or design consideration which will result in development of benefit to the community. It is the intent of this Article to permit residential uses of varying densities and types, including but not limited to zero lot line and single family attached types, within planned residential developments. However, this Article is not intended to permit the overall density of a planned residential development to exceed the density which would be possible under the zoning regulations which normally apply to the district in which the planned development is located. As a condition for approval, each planned residential development must be compatible with the character and objectives of the zoning district or districts within which it is located and with the objectives of the Richfield Township Comprehensive Plan.

Planned residential developments shall be deemed special land uses and are therefore subject to review procedures and standards similar to those for other special land uses. However, planned residential developments are sufficiently different in character from other special land uses in that specific and additional standards and procedures are established to govern their review and approval and to ensure that the distinct purposes of the planned residential development designation are achieved.

SECTION 1201. PROCEDURES

1201-1 Applicant

The owner of an interest in land for which planned residential development approval is sought, or the designated agent of the owner, shall file the application for planned development approval with the Zoning Administrator.

1201-2 Issuance of Building Permits, Subdivision Approval

The Planning Commission shall approve all planned residential development applications in accordance with the procedures and standards set forth herein before a building permit is issued, or a subdivision or other splitting of land is approved pursuant to the provisions of this Article.

1201-3 Occupancy Certificate

No occupancy certificate shall be issued for a building within a planned residential development until the phase of the planned residential development in which said building is

located has been completely developed, including installation of landscaping materials, according to the Planning Commission approved site plan. A temporary occupancy certificate may be issued before the construction of the site design is completed provided that the applicant provides a bond, irrevocable letter of credit, or other financial assurance acceptable to the Planning Commission in its amount and form. The Planning Commission shall not accept a financial assurance in an amount which, in the Commission's judgment, will be less than the amount required to complete the construction of the site design.

1201-4 Application Forms and Documentation

The application for planned residential development approval shall be made on such forms as shall be prescribed by the Township Board and provided by the Zoning Administrator and shall be accompanied by the necessary fees and documents as provided herein.

1201-5 Fees

The application for approval of a special land use shall be accompanied by a deposit against an application fee sufficient to cover all costs associated with township review of the application. Such costs shall include but not be limited to cost of providing required public notice and thorough professional planning and engineering reviews. The Township Board shall from time to time establish by resolution the amount of the application fee deposit.

1201-6 Pre-application Conference

Prior to filing a formal application for approval of a planned residential development, the prospective applicant shall request a pre-application conference with the Zoning Administrator. The purpose of such a conference is to allow the prospective applicant to present a general concept of his proposed development prior to the preparation of detailed plans. For this purpose the presentation shall include, but not be limited to, the following:

- a. Written "letter of intent" from the prospective applicant establishing his intentions as to development of the land.
- b. Topographic survey and location map.
- c. Sketch plans and ideas regarding dwelling type and density, street and lot arrangement, and tentative lot size.
- d. Initial proposals regarding water supply, sewage disposal, drainage, and street improvements.

The Zoning Administrator shall advise the prospective applicant of the zoning requirements and Township plans which might affect the proposed development as well as the procedural steps for approval.

1201-7 Preliminary Plan Submission

The application for preliminary approval of a planned residential development and the zone change application, if any, shall be referred to the Planning Commission at its next regularly scheduled meeting which takes place fourteen (14) calendar days or more after the initial submission of the application(s) to the Zoning Administrator.

1201-8 Date and Notification of Planning Commission Public Hearing

At the meeting during which the planned residential development application is referred to the Planning Commission, the Commission shall determine: 1) if the application is sufficiently complete to allow substantive review, and 2) if the proposed planned residential development obviously fails to meet the requirements of this Ordinance. If the Planning Commission determines that the application is not sufficiently complete to allow substantive review, or that the proposed planned development obviously does not meet the requirements of this Ordinance, then the Planning Commission shall by resolution of a majority of the quorum present refuse to consider the application. If the Planning Commission determines that the application is sufficiently complete to allow substantive review and that the proposed planned residential development does not obviously violate the requirements of the Ordinance, then the Planning Commission shall hear any person wishing to express an opinion on the application and review the application for approval at its next regular meeting following the formal receipt of the application from the Zoning Administrator, provided such regular meeting provides adequate time to notify adjacent property owners and post notice of a public hearing as required below:

- a. The Planning Commission shall publish a notice of the date of the public hearing for a planned residential development in a newspaper of general circulation, and shall send a notice of the date by registered mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet.
- b. The notice shall be given not less than five (5) nor more than fifteen (15) days before the application will be considered.
- c. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification shall be given to one occupant of each dwelling unit or spatial area that is owned or leased by different individuals, partnerships, business, or organizations from other dwelling units or spatial areas.
- d. The notice shall:
 1. Indicate the property that is the subject of the planned residential development preliminary plan request.
 2. State when and where the application for planned residential development preliminary plan approval will be considered.

3. Indicate when and where written comments will be received concerning the application.
4. Describe the nature of the PRD request.

1201-9 Planning Commission Findings and Determination Pertaining to Preliminary Application

The Planning Commission shall by or at its next regularly scheduled meeting following the public hearing at which the application was considered, pass a resolution setting forth its findings regarding the requirements set forth herein and shall approve, approve with conditions or disapprove the preliminary application. The resolution shall state the reasons for the Commission's findings. Approval, approval with conditions, or disapproval, shall be based solely on the requirements and standards of this Ordinance.

Actions to approve, or approve with conditions shall require a majority vote of all members of the Planning Commission, not just a majority of the quorum present at the meeting.

Approval of a planned residential development preliminary plan shall constitute approval of the layout submitted as a guide to the preparation of the final plan or plans; but shall not constitute approval of the final plan or plans.

1201-10 Recording Planning Commission Action

Each action taken with reference to planned residential development preliminary plan review and approval shall be duly recorded in the minutes of the Planning Commission and the grounds for the action taken upon each application submitted for review and approval shall also be recorded in the minutes and transmitted in writing to the applicant. The record shall include findings of fact, the written report of the Zoning Administrator and other township officials, exceptions and bonuses granted, conditions applied and modifications ordered.

1201-11 Final Plan Submission and Approval

The final plan shall be submitted by the applicant to the Planning Commission not later than one hundred eighty (180) days (or such additional time as may be authorized by Planning Commission resolution from time to time) after approval of the preliminary plan.

The planned residential development final plan shall conform substantially to the preliminary plan as approved, and if desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations.

After review of the final plan and supporting data, the Planning Commission shall approve or disapprove the plan within sixty (60) days after submission by the applicant. Disapproval of the final plan shall be based only on a significant divergence from the approved preliminary plan.

1201-12 Changes in the Planned Residential Development

A planned residential development shall be developed only according to the approved and recorded final plan and all supporting data together with all recorded amendments. These shall be binding on the applicants, their successors, grantees, and assigns, and shall limit and control the use of premises including the internal use of building and structures and location of structures in the planned development as set forth therein.

a. Major Changes.

All major changes may be approved only by submission of a new preliminary plan and supporting data, following "preliminary approval" steps and subsequent amendment of the final planned development plan. Major changes shall be those which alter the concept or intent of the planned residential development. Such changes shall include, but not be limited to:

1. Changes in the approved public street or private drive construction standards.
2. Any increase in density.
3. Decreases in proposed open space.
4. Changes in sizes of public and/or private sewer or water lines, other than service connections, resulting in less capacity.
5. Changes in the location of and types of nonresidential uses approved by the Planning Commission. Only nonresidential uses which are permitted in the zoning district in which the planned residential development is located may be permitted as part of the planned residential development.
6. Changes in the alignment of any street, drive, parking area or water or sewer line in excess of twenty-five (25) feet.
7. Change in the proportion of housing types by not more than five (5) percent of the approved dwelling-unit count for the whole development, or a violation of any specific condition set forth by the Planning Commission.
8. Change in the location of any public easement.
9. Any changes in the final governing agreements, provisions or covenants.

b. Minor Changes.

The following minor changes to the approved final plan may be authorized by the Planning Commission upon written request by the developer and upon submission of detailed plans demonstrating the requested change and upon determination that they will not adversely affect public health, safety, or welfare:

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1. Decrease in density.
 2. Increases in open space.
 3. Changes in the proportion of housing unit types by less than five (5) percent of the approved dwelling unit count provided no increase in overall density occurs.
 4. Increases in acreage of the planned development providing that the acreage under consideration is ten (10) percent or less of the gross site area, and provided further that the increase can only be used for open space.
- c. Notification of change.

The Zoning Administrator shall submit a written report to the Planning Commission with all approved minor changes.

1201-13 Schedule of Construction

The Planning Commission may revoke its approval of the planned residential development if construction falls more than one (1) year behind the schedule filed with the final plan, or exceeds three (3) years. The developer shall be notified at least sixty (60) days prior to any revocation hearing. Extensions in the building schedule may be granted by the Planning Commission.

SECTION 1202. DATA REQUIREMENTS FOR PRELIMINARY PLAN APPROVAL

The following shall be included with and as part of the application for planned residential development preliminary plan approval.

1202-1 Site Plan

The applicant shall submit a site plan as required in Section 1402 and additional information as outlined below.

1202-2 Preliminary Architectural Plans

The application shall include preliminary architectural plans for all primary buildings and shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building, and the number, size, and type of dwelling units. No architectural plans shall be required for single-family homes on individual zoning lots if all setbacks from property lines for such home shall be at least twenty-five (25) feet.

1202-3 Additional Information Required

- a. The area of the site minus existing and proposed right-of-way.

- b. A statement of proposed ownership arrangements.
- c. The application shall indicate proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.

SECTION 1203. APPLICATION DATA REQUIREMENTS FOR FINAL PLAN APPROVAL

The following shall be included with and as part of the application for planned residential development final plan approval.

1203-1 Final Site Plan and Architectural Plans

The application shall include final site plans and architectural plans, except that architectural plans shall not be required for single-family homes and individual zoning lots if all setbacks from property lines for such homes are at least twenty-five (25) feet. The purpose of the planned residential development plan is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so treated, into common open areas and building areas, to designate and limit the land in general and to meet all data requirements for site plan reviews. The final plan of the planned residential development shall include, but not be limited to:

1203-2 Legal Descriptions

The final plan shall include an accurate legal description of the entire area under immediate development within the planned development. The legal descriptions shall include:

- a. The dimensions of a subdivided land and condominium units.
- b. An accurate legal description of each separate unsubdivided use area, including common open space, shall also be included.
- c. Certificates, seals, and signatures required for the dedication of land and recording of restrictive covenants.
- d. Covenants and deed restrictions governing the maintenance of and access to common and open space.

SECTION 1204. STANDARDS FOR RESIDENTIAL TYPE, BULK, AND YARD EXCEPTIONS

In the case of any planned residential development, the Planning Commission may authorize exceptions to the applicable bulk and lot area regulations of this Ordinance within the boundaries of such planned residential development, provided that the Commission shall find:

- 1204-1 That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring

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property than would be obtained under the residential type, bulk, and yard restrictions of this Ordinance for buildings developed on separate zoning lots in accordance with the regular requirements of the zoning district in which they are located.

- 1204-2 That along the periphery of such planned residential developments, yards shall be provided as required by the regulations of the district in which said development is located.
- 1204-3 That the maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the district or districts in which the area is located. Net development area shall be determined by taking the total area of the development and subtracting the area required for streets and right-of-ways set forth in the site plan. In no event shall the area for streets be computed at less than ten (10) percent of the gross development area. The area of land set aside for common open space or recreation use may be included in determining the number of dwelling units permitted.
- 1204-4 The proposed planned residential development shall be in conformance to the Statement of Purpose set forth in SECTION 1200, herein.
- 1204-5 Deed restrictions and/or covenants shall be provided to govern the maintenance of common open space. Such restrictions and covenants shall provide for common open space to be maintained by private property owners with an interest in said open space. Required maintenance standards and/or maintenance activities shall be included in the deed restrictions and/or covenants. The deed restrictions and/or covenants shall provide for the Township to assess private property owners for the cost of maintenance in the event that private maintenance activities do not satisfactorily meet the terms of the applicable deed restrictions and/or covenant.
- 1204-6 The yard requirements for planned residential developments shall include:
- a. Spacing between any grouping of four (4) clustered single-family units or less and another grouping of such structures shall be equal to at least twenty (20) feet, measured between the nearest points of the two groupings.
 - b. All such clusters shall be so situated as to have one side of the grouping abutting onto a common open space.
 - c. That side of a cluster adjacent to a service drive or private lane shall not be nearer to said drive or lane than ten (10) feet.
 - d. That side of cluster adjacent to a dedicated street shall not be nearer to said street than thirty (30) feet, except that on lands immediately adjacent to said streets having slopes in excess of fifteen (15) percent, for each one (1) percent over fifteen (15) the front yard may be reduced by five (5), and in no instance shall a structure be closer to the road right of way line than ten (10).

SECTION 1205. PLANNED UNIT DEVELOPMENT

1205-1 Intent.

It is the intent of this Section to authorize the use of planned unit development regulations for the purposes of: encouraging the use of land in accordance with its character and adaptability; conserving natural resources, natural features and energy; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of this township; and, ensuring compatibility of design and use between neighboring properties.

The provisions of this Section are not intended as a device for ignoring the Zoning Ordinance and specific standards set forth therein, or the planning upon which it has been based. To that end, provisions of this Section are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Section to insure appropriate, fair, and consistent decision making.

1205-2 Planned unit developments are allowed in every zoning classification hereunder. To be eligible for planned unit development approval, the applicant must demonstrate that the following criteria will be met:

- a. The planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
- b. In relation to the existing underlying zoning, the proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.
- c. The proposed development shall not have a materially adverse impact upon the Master Plan of the Township, and shall be consistent with the intent and spirit of this Section.
- d. In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
- e. The proposed development shall contain at least as much usable open space as would otherwise be required by the existing underlying zoning.
- f. The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance.

1205-3 **Project Design Standards.**

Any planned unit development shall comply with the following project design standards:

a. **Location.**

A planned unit development may be approved in any location in the Township, subject to review and approval as provided for herein.

b. **Permitted Uses.**

Any land use authorized in this Ordinance may be included in a planned unit development as a principal or accessory use, provided that public health, safety and welfare are not impaired.

c. **Residential Density.**

1. **If Underlying Zoning Is Residential:** Residential uses shall be permitted with a maximum density of 1.5 times the units per gross acre authorized in the underlying residential zoning district in which the property is situated. For purposes of this calculation, gross acreage shall include all areas to be used for residential purposes, including off street parking, and all open space devoted exclusively for residential use or for natural resource preservation, exclusive of dedicated rights-of-way for roads and streets.

2. **If Underlying Zoning Is Non-Residential:** The density for residential uses in a non-residential district shall be determined by the Planning Commission. The density established by the Planning Commission shall be consistent with the Township Master Plan and the standards contained in this Ordinance, and upon determination by the commission that such density will not adversely affect water and sewer services, storm water drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in this area.

3. **Density Increase:** An additional density increase of fifty (50) percent for a total of 200 percent of dwelling units for residential uses in excess of that which is authorized in the underlying residential district may be allowed by the Planning Commission, upon determination that the design will result in ample open space, safe vehicular and pedestrian access, and preservation of the natural features of the site, and further, that the increased density can be adequately served by public utilities and police, fire and administrative services.

d. **Non-Residential Uses.**

Where the existing underlying zoning district is residential, non-residential uses shall be permitted as part of a planned unit development which also contains a residential component, provided that the applicant demonstrates to the satisfaction of the Planning Commission that the residential uses will be the predominant uses on the site. The

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Planning Commission shall determine predominance of use after taking into account the following considerations: amount of traffic generated; hours of operation or use; noise, odors, and overall impact on adjoining uses; land area allocated to each use; and building area allocated to each use. These restrictions shall not apply where the underlying zoning district is non-residential.

Non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good site design and planning principles, provided it is recognized that this provision may have limited application to multi-use buildings.

e. Applicable Base Regulations.

Unless waived or modified in accordance with the procedures and standards set forth herein, the regulations for the existing underlying zoning shall be applicable. However, in the event that the planned unit development contains uses which would not otherwise be permitted in the underlying zoning district, the following regulations shall be applicable for those uses.

1. Single-family residential uses shall comply with the regulations applicable in the RRA, SRA and SR district (articles IV, V and VI).
2. Multiple-family residential uses shall comply with the regulations applicable in the SRM district (Article VII).
3. Business Office and Commercial uses shall comply with the regulations applicable in the Business District (Article IX).
4. Industrial uses shall comply with the regulations applicable in the I-1 and I-2 Business Districts (Article X).
5. Mixed uses shall comply with the regulations applicable for each individual use, as outlined above, except that if conflict exists between provisions, the regulations applicable to the most dominant use shall apply. The Planning Commission shall make the determination of "most dominant use", after taking into account the considerations outlined in Section 1205-3(d), above.

f. Natural Features.

The development shall be designed to promote preservation of natural resources and natural features, taking into consideration the local, state and national concern for the protection and preservation of natural resources and natural features.

g. Additional Considerations.

The Planning Commission shall take into account the following considerations, as the same may be relevant to a particular project: perimeter setback and berming;

thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and, noise reduction and visual screening mechanisms, particularly in cases where non-residential uses adjoin off-site residentially-zoned property.

1205-4 **Review and Approval Procedures.**

Procedures for review of a planned unit development application shall require a pre-application conference, followed by submission and approval of a preliminary plan and final plan, as follows:

a. **General Requirements.**

Planned unit development applications shall comply with the following requirements:

1. **Application.**

The owner of an interest in land for which planned unit development approval is sought, or the designated agent of the owner, shall file the application with the Township Clerk.

2. **Issuance of a Building Permit.**

A building permit shall not be issued until the submitted final plan is approved by the Township Board in accordance with the procedures and standards set forth herein.

3. **Application Forms and Documentation.**

The application for planned unit development shall be made on such forms as shall be prescribed by the Planning Commission and provided by the Building Department. The application shall be accompanied by the necessary fees and documents as provided herein.

4. **Review Fees.**

Review fees shall be established by resolution of the Township Board and set forth in the Township Fee Schedule.

5. **Submission to Zoning Administrator.**

The application materials for planned unit development review shall be submitted to the Zoning Administrator in accordance with the application data requirements set forth herein. Application materials must be submitted at least fifteen (15) days prior to a scheduled meeting at which Planning Commission or Township Board review is required. In addition, the following requirements shall be complied with:

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- a) Six (6) copies of the plan, prepared by a land planner, engineer, architect or surveyor, shall be submitted to the Zoning Administrator with the original copy of the application to provide for review by the Fire Department, Police Department, Building Department, Planner, Engineer, Planning Commission and Township Board.
 - b) The applicant shall deliver one copy of the application plus two (2) copies of the plan to each of the following agencies: the Genesee County Road Commission and/or Michigan Department of Transportation, the Genesee County Drain Commission; the Genesee County Health Department; and all applicable utility companies. Proof of submission of the application and plan to each agency shall be provided to the Township Clerk at the time of application.
6. Preliminary Plan Data Requirements. Applications for preliminary plan approval shall include the following:
- a) Applicant's name, address, and telephone number.
 - b) The name of the proposed development.
 - c) Common description of property and complete legal description.
 - d) Dimensions of land, including width, length, acreage and frontage.
 - e) Existing zoning of the property under consideration and zoning of all adjacent properties.
 - f) Comprehensive statement of intent of proposed use of land and any phasing of the project.
 - g) Name, address, city and phone number of the firm or individual who prepared the plan and the owner of the property.
 - h) Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads.
 - i) Proposed acceleration, deceleration and passing lanes.
 - j) Location of existing drainage course, flood plains, lakes, streams and wetlands.
 - k) Intentions with respect to water and sewer.

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- l) All parking areas and number of spaces by size.
- m) The number of location of areas to be preserved as open or recreational space.
- n) All known natural resources and natural features to be preserved or destroyed.
- o) The number and types of residential units, the floor area of each unit, and the overall density (units per acre), if applicable.
- p) Graphic representations of the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, and typical layouts and elevations for each type of use.
- q) List of anticipated deviations from applicable underlying zoning ordinance regulations that will be sought, and a concise statement indicating the approach proposed to ensure that any such deviations will achieve the objectives and intent of this Section.
- r) The Planning Commission may require a topographical map if the size of the project and/or nature of the topography indicates that such documentation would be meaningful in the review of the preliminary plan.
 - 1) Final Plan Data Requirements. Application for final approval shall include all data requirements for the site plan review as specified in Section 1402-1, herein. In addition, the application shall include the following:
- s) Evidence of market need for proposed use(s) and feasibility of the project.
- t) A separately delineated specification of all the deviations from this Ordinance that would otherwise be applicable to the uses and development proposed in the absence of these planned unit development regulations. The specification should include Ordinance provisions from which deviations are sought. The reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought shall also be specified.
- u) In the event that the property on which the project is to be situated consists of 24 acres or more, a Community Impact Statement shall be submitted as part of the application. A Community Impact Statement

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is an assessment of the developmental, social, economic impact of the planned unit development.

- v) A specific schedule of the intended development and construction details, including the phasing or timing of all proposed improvements of the planned unit development.
8. Applicant Representation. The applicant or a designated representative must be present at all review meetings scheduled for consideration of the plan. Such meetings may be tabled due to lack of representation.
- b. Procedures

The following procedures provide for detailed review of planned unit development proposals by the Planning Commission, followed by review and approval by the Township Board. Accordingly, the application for planned unit development shall comply with the following procedures:

1. Pre-Application Conference. Prior to formal submission of an application for planned unit development approval, the applicant shall meet with the Supervisor, Building Official, Fire Chief, Police Chief, and other Township personnel and consultants as deemed appropriate by the Township. The purpose of such a conference is to provide information and guidance that will assist the applicant in preparation of the application and plan.

The applicant shall present at such a conference or conferences, at minimum, a sketch plan of the proposed planned unit development, plus a legal description of the property in question; the total number of acres in the project; a statement of the approximate number of residential units and the approximate number of acres to be occupied by each type of use; the known deviations from the ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and, all natural resources and natural features to be preserved.

No formal action shall be taken at a pre-application conference. There shall be no fee for a pre-application conference.

2. Preliminary Plan Review. After all application materials have been received and review fees paid, the preliminary plan shall be reviewed in accordance with the following procedures:
 - a) The site plan shall be placed on the agenda of the next scheduled Planning Commission meeting. The Township Board shall be notified by letter from the Planning Commission that a preliminary plan for a planned unit development is being reviewed, and it is the intention of the applicant to eventually seek approval from the Township Board. The Planning Commission shall review the

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preliminary plan, and shall be entitled to make reasonable inquiries of and receive answers from the applicant.

- b) In reviewing the preliminary plan, the Planning Commission shall make a finding and determination with respect to conformance with the planning unit development regulations, and generally review and determine whether the basic concept of the proposal is consistent with the intent and spirit of this Section. The Planning Commission shall then approve, approve with conditions, or deny the preliminary plan. The effect of approval, or approval with conditions, shall be to authorize the concept embodied in the preliminary plan, subject to submission, review and approval of the final plan as provided below.
 - c) Inasmuch as the specific details of a project plan are at the very essence of the concept of a planned unit development, approval of the preliminary plan shall not constitute a final approval, and preliminary plan approval shall be subject to review and approval of the final plan as provided for in this Section.
 - d) Following review, the Planning Commission shall provide the applicant with written comments, which shall be part of the official minutes of the Planning Commission.
3. Final Plan Review. Within six (6) months of preliminary plan approval, the applicant shall submit the final plan for the proposed project, or for the first phase if the project is proposed for construction in phases to the Zoning Administrator. If the final plan has not been submitted within the required six-month period, the preliminary plan approval shall lapse, and the applicant must re-commence the review process. However, the Planning Commission may extend the time for submission of the final plan upon showing by the applicant that no material change of circumstances has occurred.

After all application materials have been received and review fees paid, the final plan shall be reviewed in accordance with the following procedures:

- a) The application shall be placed on the agenda of the next scheduled Planning Commission meeting. The Planning Commission shall review the final plan in accordance with the procedures and public notice and hearing requirements for planned unit development as specified in Section 16(c)(5) of the Township Rural Zoning Act, Act 184 of 1943, as amended.
- b) Following the public hearing and completion of its review, the Planning Commission shall recommend to the Township Board that the application be approved, disapproved, or approved with conditions. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions, the basis for its

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recommendation, the recommendation, and any recommended conditions relating to an affirmative decision.

- c) Following receipt of the Planning Commission's report, the application shall be placed on the agenda of the next scheduled Township Board meeting. The Township Board shall review the final plan together with the findings of the Planning Commission, and shall be entitled to make reasonable inquiries of and receive answers from the applicant.
- d) Following completion of its review, the Township Board shall approve, disapprove, or approve the final plan with specified conditions as follows:
 1. Approval. Upon determination by the Township Board that the final plan for planned unit development is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.
 2. Approval With Conditions. The Township Board may impose reasonable conditions with the approval of a planned unit development, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect the natural resources and the public health, safety and welfare of the individuals in the planned unit development, those immediately adjacent thereto and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance. In the event that the planned unit development is approved subject to specified conditions, such conditions shall become a part of the record of approval, and such conditions shall be modified only as provided in Section 1205-8.
 3. Denial. Upon determination of the Township Board that the planned unit development proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare and orderly development of the township, the final plan shall be denied.

1205-5 Standards and Requirements With Respect to Review and Approval.

In considering any application for approval of a planned unit development plan, the Planning Commission and Township Board shall make their determination on the basis of the following standards and requirements:

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a. Conformance With the Planned Unit Development Concept.

The overall design and all uses proposed in connection with a planned unit development shall be consistent with and promote the intent of the planned unit development concept as described in Section 1205-1, as well as with specific project design standards set forth herein.

b. Compatibility With Adjacent Uses

The proposed planned unit development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
4. The hours of operation of the proposed uses.
5. The provision of landscaping and other site amenities.

c. Public Services.

The proposed planned unit development shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned unit development is completed.

d. Impact of Traffic.

The planned unit development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:

1. The access to major thoroughfares.
2. Estimated traffic to be generated by the proposed development.
3. Proximity and relation to intersections.
4. Adequacy of drivers' sight distance.

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5. Location of and access to off-street parking.
6. Required vehicular turning movements.
7. Provisions for pedestrian traffic.

e. Protection of Natural Environment.

The proposed development shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations.

f. Compatibility With the Township Master Plan.

The proposed planned unit development shall be consistent with the general principles and objectives of the adopted Township Master Plan.

g. Compliance with Applicable Regulations.

The proposed planned unit development shall be in compliance with all applicable federal, state, and local laws and regulations.

1205-6 Phasing and Commencement of Construction.

a. Phasing.

Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential components, the phasing plan shall provide for completion of at least 35 percent of all proposed residential units concurrent with the first phase of any non-residential construction; completion of at least 75 percent of all proposed residential construction prior to the second phase of non-residential construction; and completion of 100 percent of all residential construction prior to the third phase of non-residential construction. The purpose of this provision is to ensure that planned unit developments are constructed in an orderly manner and, further, to ensure that the planned unit development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use. For purposes of carrying out this provision, the percentage shall be approximations as determined by the Planning Commission based on the floor area and land area allocated to each use. Such percentages may be varied should the Planning Commission determine that the applicant has presented adequate and effective assurance that the residential component or components of the project shall be completed within the specified period.

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b. Completion of Site Design.

Upon approval of the final plan by the Township Board, a building permit may be obtained subject to review and approval of the engineering plans by the Building Official and Township Engineer. It shall be the responsibility of the applicant to obtain all other applicable Township, County or State Permits prior to issuance of a building permit. Each phase of the project shall be commenced within one year of the schedule set forth on the approved final plan for the planned unit development. If construction is not commenced within the required times, approval of the final plan for the project shall expire and be null and void. However, an extension for a specified period may be granted by the Township Board prior to the expiration of the initial period. In the event the final plan has expired, a new application shall be required and shall be reviewed in light of the then existing site conditions and applicable law and Ordinance provisions.

1205-7 Effect of Approval.

If and when approved by the Township Board, the final plan for the planned unit development, with any conditions imposed, shall constitute the land use authorization for the property and all improvements and uses shall be in conformity with the approved plan. Subsequent to approval of the final plan, the Building Official shall not issue building permits or certificates of occupancy unless the Building Department determines that all subsequent working drawings and plans comply with the approved final plan and the Township Board's resolution of approval.

1205-8 Modification of Approved Plans.

a. Approved final plans for a planned unit development may be modified in accordance with the procedures outlined in Section 1205-4.

b. Minor Changes.

Notwithstanding Section 1205-8(a), above, minor changes may be permitted by the Planning Commission following normal site plan review procedures outlined in Article XIV, subject to its finding that:

1. Such changes will not adversely affect the initial basis for granting approval;
2. Such changes are the direct result of the owner's or applicant's experience obtained during the initial phase of construction or marketing; and
3. Such minor changes will not adversely affect the overall planned unit development in light of the intent and purpose of such development as set forth in Section 1205-1.

1205-9 **Recording of Planning Commission and Township Board Action.**

Each action taken with reference to a planned unit development shall be duly recorded in the minutes of the Planning Commission of Township Board as appropriate. The grounds for the action taken shall also be recorded in the minutes. After all the steps in each phase of the review process have been completed, three (3) copies of the plans shall be marked for the following distribution:

- a. One (1) copy shall be returned to the applicant along with a written transmittal stating the grounds for action and/or conditions of approval.
- b. One (1) copy shall be forwarded to the Township Building Department.
- c. One (1) copy shall be retained in the Planning Commission or Township Board files, as appropriate.

**ARTICLE XIII
SITE DESIGN REGULATIONS**

<u>SECTION 1300. PURPOSE</u>	13.1
<u>SECTION 1301. APPLICATION</u>	13.1
<u>SECTION 1302. LANDSCAPE BUFFER AND OPEN SPACE STANDARDS</u>	13.1
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**ARTICLE XIII
SITE DESIGN REGULATIONS**

SECTION 1300. PURPOSE

It is the purpose of these site design regulations to set minimum standards for the protection and enhancement of the environment through requirements for site design and the use of landscape materials.

SECTION 1301. APPLICATION

These requirements shall apply to nonresidential uses, campgrounds, and multiple family uses, as set forth herein which are developed or expanded following the effective date of this Ordinance, except that these standards shall not apply to the following: 1) property zoned or used for agriculture, 2) other property as specifically noted herein. No site plan shall be approved unless said site plan shall be consistent with the provisions herein. In cases where the use of an existing building changes, or an existing building is expanded or otherwise altered, all of the site design standards set forth herein shall be met. In cases where the existing structure or its site present practical difficulties to meeting all of the site design standards, the Board of Zoning Appeals shall only approve variances from the site design standards when the standards for variance set forth in SECTION 2004-2 are met.

SECTION 1302. LANDSCAPE BUFFER AND OPEN SPACE STANDARDS

1302-1 Buffering of Nonresidential Uses (Except those specified in SECTIONS 1302-5 and 1302-6) Adjacent to Residential Property

The owner of property which is used for nonresidential purposes (except those specified in SECTIONS 1302-5 and 1302-6) shall install and maintain in good condition along the entire edge of said property adjacent to property which is used or zoned for residential purposes either a protective screen wall or, with Planning Commission approval, a landscape buffer strip. Protective screen walls and buffer strips required hereby shall have the following specifications:

- a. Protective screen wall:
 1. The wall shall be of brick decorative concrete, other decorative masonry, or comparable durable wood and steel construction at least five (5) feet high.
 2. It shall contain no openings whatsoever except for such gates as may be approved by the Planning Commission in the course of site plan review.
 3. It shall extend the full length of the nonresidential property where such property is also adjacent to a residential district or property used for residential purposes, except that it shall not be erected within twenty (20) feet of a residential front property line.
- b. Landscape buffer strip:
 1. The buffer strip shall be a minimum of twenty (20) feet in depth.

2. It shall be graded with a continuous berm at least four (4) feet above the grade elevation at the common property line. All or a portion of the berm may be sloped on one side and backed by a retaining wall on the other side or sloped on both sides. The retaining wall shall be of brick, decorative concrete or other decorative masonry if it is on the exterior side of the berm. A four (4) foot high brick, decorative concrete, other decorative masonry or comparably durable wood and steel screen wall may be substituted for the berm.
3. All portions of the buffer strip shall be planted with grass, ground covers, shrubbery, or other suitable live plant material.
4. A minimum of one (1) deciduous tree shall be planted for each thirty (30) lineal feet or portion thereof of required buffer strip length. Required deciduous trees may be planted at approximately thirty (30) foot intervals, or may be clustered.
5. A minimum of one (1) evergreen tree shall be planted for each fifteen (15) lineal feet or portion thereof of required buffer strip length. Required evergreen trees may be planted at fifteen (15) foot intervals, or may be clustered.
6. A minimum of one (1) intermediate shrub shall be planted for each ten (10) lineal feet or portion thereof of required buffer strip length. Required intermediate shrubs may be planted at ten (10) foot intervals or may be clustered.
7. For the purpose of determining required plant material, required buffer strip length shall be measured along the center line of the buffer strip.

1302-2 Buffering of Nonresidential Uses (Except those specified in SECTIONS 1302-5 AND 1302-6) Adjacent to a Public Thoroughfare

The owner of property which is used for nonresidential purposes (except those specified in SECTIONS 1302-5 and 1302-6) shall install and maintain in good condition a landscape buffer strip along the entire edge of said property adjacent to a public thoroughfare right-of-way. The buffer strip shall be designed and landscaped as follows:

- a. The buffer strip shall be a minimum of twenty (20) feet in depth for industrial uses and uses in industrial districts, and ten (10) feet in depth for all other nonresidential uses.
- b. It may be interrupted at not more than twenty (20) percent of its required length to provide for vehicular access, except that the buffer strip may be interrupted at more than twenty (20) percent of its required length if necessary to provide for one (1) vehicular access and one (1) egress lane.
- c. Grass, ground cover, or other suitable live plant material shall be planted over the entire buffer strip area except that paving may be used in areas of intensive pedestrian circulation.

- d. A minimum of one (1) deciduous tree shall be planted for each thirty (30) lineal feet or portion thereof of required buffer strip length. Paved areas used for pedestrian circulation and vehicular access shall be counted in measuring the length of the buffer strip for the purpose of determining the required number of trees. Trees need not be planted at thirty (30) foot intervals, but may be located along the buffer strip in clusters.
- e. For the purpose of determining required plant material, required buffer strip length shall be measured along the center line of the buffer strip.

1302-3 Buffering of Multiple Dwellings from Streets

The owner of property used for five (5) or more multiple-dwellings shall install and maintain in good condition a landscape buffer at least twenty (20) feet in depth along the entire edge of said property adjacent to a public right-of way line.

The buffer strip shall be designed and landscaped as follows:

- a. The buffer strip may be interrupted at not more than twenty (20) percent of its required length to provide for vehicular access, except that it may be interrupted at more than twenty (20) percent of its required length if necessary to provide for one (1) vehicular access and one (1) egress lane.
- b. All portions of the buffer strip shall be planted with grass, ground cover, shrubbery or other suitable plant material.
- c. A minimum of one (1) deciduous tree shall be planted for each thirty (30) lineal feet or portion thereof of required buffer strip length. Required trees need not be planted at thirty (30) foot intervals, but may be grouped at certain locations along the buffer strip.
- d. Paved areas used for pedestrian circulation and vehicular access shall be counted in measuring the length of the buffer strip for the purpose of determining the required number of trees and shrubs.
- e. For the purpose of determining required plant material and permitted buffer strip interruptions, required buffer strip length shall be measured along the center line of the buffer strip.

1302-4 Landscape Open-Space Area

Whenever in this Ordinance a landscaped open-space area is required, it shall be landscaped according with the following standards:

- a. All portions of the landscaped open-space area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved active recreation areas, patios, terraces, pedestrian circulation areas, swimming pools, and other similar site components may be incorporated with the approval of the Planning Commission.

- b. A minimum of one (1) deciduous tree shall be planted for each one thousand (1,000) square feet or portion thereof of required landscaped open-space area, or for each residential unit in the development, whichever is greater.
- c. A minimum of one (1) evergreen tree and one (1) intermediate shrub shall be planted for each one thousand (1000) square feet or portion thereof of required landscape open space area. Required evergreen trees and intermediate shrubs may be planted at uniform intervals, at random or in groupings.
- d. The total landscaped open-space area required shall be the basis for determining the number of trees, evergreens, and shrubs, irrespective of the portion of the required landscaped open-space area which is devoted to active recreation purpose, patios, terraces, or pedestrian circulation.
- e. An existing natural open space can substitute for a required landscaped open space at the Planning Commission's discretion.

1302-5 **Sight Barriers for Junk (Salvage) Yard Sites, Sight Barriers For Amusement Parks, Drive-In Theaters, Horse Racing And Dog Racing Tracks And Motor Vehicle Amusement Areas.**

The owner of property which is used for, junk yards, sand or gravel extraction, amusement parks, campgrounds and recreational vehicle parks, drive-in theaters, horse racing and dog racing tracks and motor vehicle amusement areas shall install and maintain in good condition sight barriers which conform to the following standards:

- a. Sight barriers shall be one of the following five (5) optional types which the Planning Commission determines to be most appropriate for the subject site:
 1. Earth berms constructed to a height of ten (10) feet above the mean elevation of the center line of the public highway adjacent to the mining property, or ten (10) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, and shrubs, OR
 2. Plantations of coniferous or other suitable species in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows sufficient to provide immediate year around screening substantially equivalent to the berm described in "a" above, OR
 3. Wood screen fences constructed to a height of ten (10) feet, OR
 4. Natural topographic or vegetative conditions sufficient to provide year around screening substantially equivalent to the berm described in "a" above, or
 5. Solid metal fences constructed to a height of ten (10) feet.

- b. Sight barriers shall be provided along the entire periphery of the area in which hazardous waste disposal activities, junk yard activities, sand or gravel extraction activities or sanitary land fill activities take place. Required sight barriers may be interrupted only where necessary to provide for access and egress.
- c. Where sight barriers are provided in accordance with the requirements of this section (SECTION 1302-5), the buffering and screening requirements of Section 1302-1 and 1302-2 shall not apply.

1302-6 Site Design Flexibility

A site plan which does not meet the requirements set forth in SECTIONS 1302-1 through 1302-6 may be approved provided that said site plan contains specific features which fulfill the regulatory intent of each requirement of SECTIONS 1302-1 through 1302-6 which is not met. The purpose of this section is to provide site design flexibility so that the intent of the requirements herein addressed may be fulfilled in creative and innovative ways. It is not the purpose of this section merely to reduce the development costs which would otherwise result. All applications for site plan approval under the terms of this section shall specify which features of the site plan are intended to serve in lieu of specific requirements in SECTION 1302-1 through 1302-6. Site plan features which may be considered in lieu of specific requirements of SECTION 1302-1 through 1302-6 include, but are not limited to, topographic changes and setbacks which are several times the minimum zoning ordinance requirements. Site plans shall be approved under the terms of this section only upon a positive vote of the quorum number of the Planning Commission

1302-7 Landscaping of Rights-of-Way

Public rights-of-way adjacent to required buffer strips and landscaped open-space areas shall be planted with grass or other suitable ground cover and maintained by the owner.

1302-8 Regulations Pertaining to Corner Clearance

Landscaping shall be installed in accordance with the corner clearance provisions of Section 1706.

SECTION 1303. MATERIAL STANDARDS AND SPECIFICATIONS

All plant and non-plant material shall be installed in accordance with the following standards:

1303-1 Maintenance-Free Non-plant Material

All non-plant material shall be durable and as maintenance free as reasonably practical.

1303-2 Plant Quality

Plant and grass materials used in compliance with provisions of this Ordinance shall conform to standards of the Michigan Association of Nurserymen and shall have passed any inspections required under state regulations. Grass shall be clean and free of weeds and noxious pests or diseases.

1303-3 Plastic Plant Material Prohibited

Plastic or other nonorganic plant materials shall be prohibited from use and shall not be in compliance with the spirit or intent of this Ordinance.

1303-4 Recommended Plant Material Specifications

The following recommendations shall apply to all plant material required by this Article:

a. Deciduous shade trees (for parking lots and buffer strips).

All tree plantings shall be a minimum of 2" to 2-1/2" in caliper at a point on the trunk 6" above the ground when installed.

Red Maple	Tupelo (black gum)
Sugar Maple	Linden
Norway Maple	River Birch
Ash (improved grafted varieties)	Paper Birch
Honey locust (thornless, seedless varieties)	Hackberry
Pin Oak	Beech
Red Oak	English Oak

b. Deciduous ornamental trees (for buffer strips)

All single stem plants shall be a minimum of 1-1/2" to 2" caliper when installed.

Japanese Tree Lilac	Washington Hawthorn
Snowdrift Flw. Crab	Cockspur Hawthorn
Zumi Calocarpa Flw. Crab	Amur Maple
Siberian Pea Tree	Amelanchier
Redbud	Euonymus Europaea
Hornbeam	

c. Evergreen trees

All plantings shall be a minimum of 3' to 4' in height with an average spread of 21" to 30" at planting.

Pyramid Arborvitae
Nigra Arborvitae
Techny Arborvitae
Douglas Arborvitae

Sparton Juniper
Keteleeri Juniper
Burki Juniper

d. Larger evergreen trees

All plants shall be a minimum of 4' to 5' in height at planting.

Pine
Spruce
Douglas Fir
White Fir

White Cedar
Red Cedar
Hemlock

e. Intermediate shrubs

All plantings shall be a minimum height of 2-1/2' to 3' in height when installed.

Tartarian Honeysuckle
Sweet Scented Mock Orange
Common Purple Lilac
Persian Lilac
Winged Euonymus
Buckthorn
Dogwoods
Peking Cotoneaster
Arrowwood
Wayfaring Tree

Witch Hazel
Pussy Willow
Forsythia
Ibodium Privet
Hazelnut
Ninebark
Acanthapanax
Nannyberry
Black Haw
High-Bush Cranberry

f. Plants smaller than those specified in subsections (a) through (e) above may be approved for locations adjacent to undeveloped areas. In determining the size of plant material permitted under the terms of this subsection, the Planning Commission shall consider the number of growing seasons needed for plants to reach the minimum size requirements set forth in subsections (a) through (e) and the likely timing of future development.

g. Trees not permitted to meet the requirements of ARTICLE XIII.

Box Elder
Silver Maple
Elm
Poplar
Willow
Tree of Heaven

Horse Chestnut
(nut bearing)
Catalpa
Black Locust
Osage Orange
Cottonwood

h. Root systems

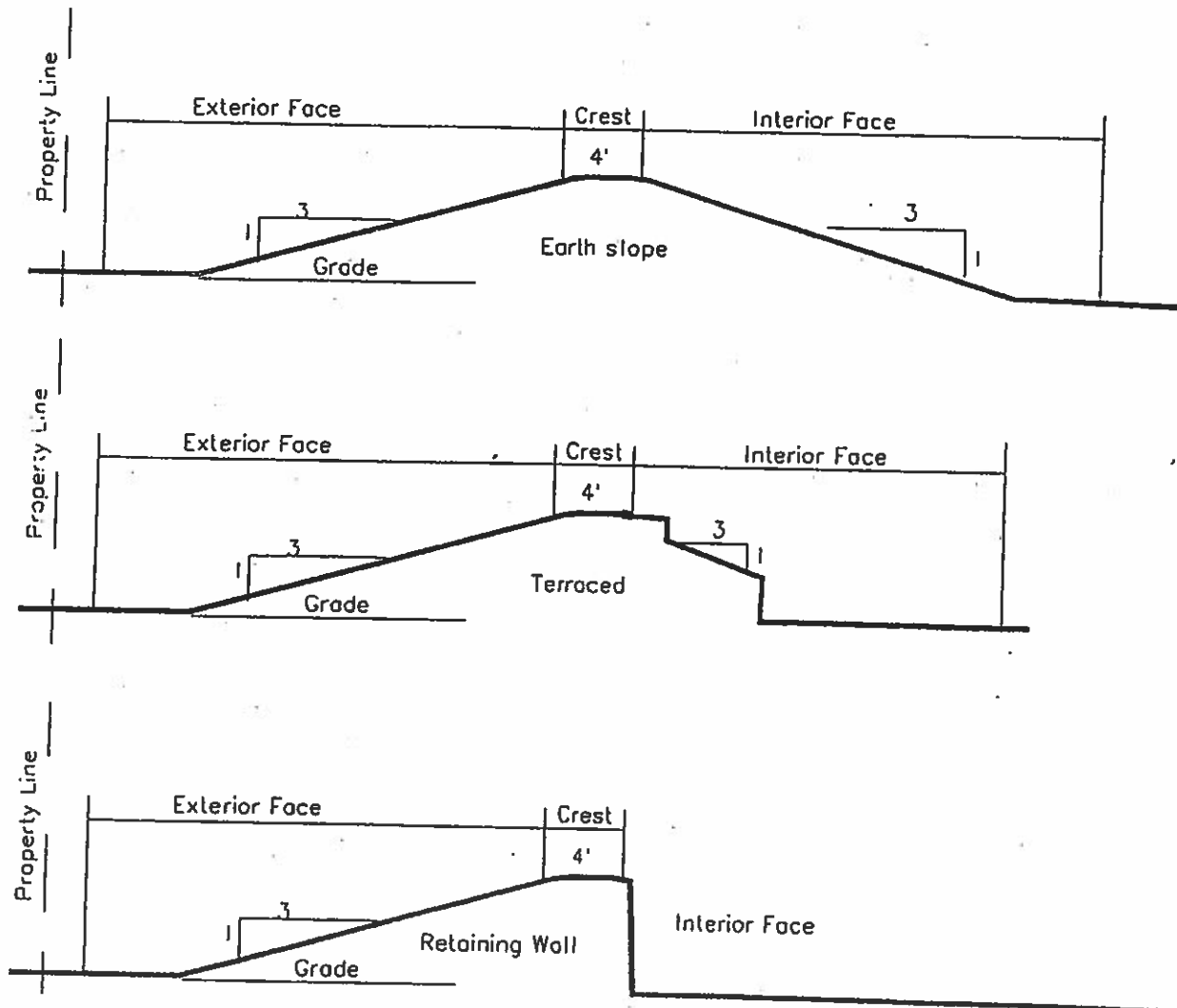
Plant materials shall be selected so as to insure that the root system will not interfere with public utilities and that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way or to abutting property owners.

1303-5 Ground Covers

Ground covers used in lieu of and comparable to grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one growing season but shall not constitute a nuisance as defined in the township's noxious weed ordinance.

1303-6 Berm Specifications

Required berms shall be constructed as landscaped earth mounds with a crest area at least four (4) feet in width and with an incline not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance. Berm slopes shall be protected from erosion by sodding or seeding. Seeded slopes shall be protected with a straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net that is specifically designed to control erosion.



SECTION 1304. INSTALLATION AND MAINTENANCE OF LANDSCAPE MATERIALS

In the cases where an owner of property is required to install and maintain landscape materials, said owner shall observe the following standards:

1304-1 Installation

Landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures with the quality of plant materials as hereinafter described. Plant materials shall be so located and installed as to provide proper surface and subsurface conditions necessary to provide proper growing, and irrigation and drainage of root systems. Landscaped areas must be protected from vehicular encroachment by such means as, but not limited to, wheel stops. Landscape areas shall be elevated above the grade level of parking lots if the Planning Commission determines that such elevation is necessary to protect plant material from salt, snow removal, or other hazards. If building or paving construction is completed during a planting season, then no certificates of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off-planting season, temporary certificates of occupancy will be issued only after the owner shall deposit with the township clerk cash, a certified check, or a surety bond to ensure installation of required landscaping in the next planting season.

1304-2 Maintenance

The owner of landscaping required by the Ordinance shall maintain such landscaping in good condition so as to present a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year or the next appropriate planting period, whichever comes first. Maintenance of landscaped areas in public rights-of-way adjacent to required landscape areas shall be the responsibility of the owner of the adjacent private property.

SECTION 1305. OUTDOOR STORAGE FOR NONRESIDENTIAL USES, AND FOR MULTIPLE-FAMILY RESIDENTIAL USES

1305-1 Storage and Disposal of Trash and Garbage - New Construction and Any Additions

No incinerator, garbage, or trash receptacle, oil or propane tank, or storage rack shall be located on the grounds outside the building, except when enclosed on at least three (3) sides by a wall of adequate height to completely obscure all stored material, provided, however, that this requirement shall not apply to litter containers placed for the convenience of pedestrians. The required wall shall be of brick, decorative concrete, other decorative masonry, or comparable durable wood and steel construction. A four-sided enclosure with an appropriate obscuring gate may be required as a condition for site plan approval if a four-sided enclosure with an obscuring gate is necessary to screen unsightly views from neighboring property and public rights-of-way. All areas for the storage and disposal of trash and garbage shall be paved with asphaltic or concrete surface of such thickness and design as may be required by engineering standards duly adopted by the Township Board of Trustees, i.e.: B.O.C.A. (Building Official and Code Administrators) Code.

1305-2 Storage and/or Disposal of Goods, Merchandise, and Materials

a. **Screen Wall Required**

No storage of goods, merchandise or materials outside the building shall be permitted, except when enclosed on all sides by a brick, decorative concrete, other decorative masonry, or comparably durable wood and steel wall of adequate height to completely obscure all stored material. Openings in such wall shall have obscuring gates and shall be approved by the Planning Commission through the Site Design Review process. All areas for the storage and disposal of goods, merchandise, and materials shall be covered with either asphaltic or concrete paving or crushed rock of such specification and design as may be required by engineering standards duly adopted by the Board of Trustees, i.e: B.O.C.A. (Building Officials and Code Administrators) Code.

b. **Screen Wall Exempted for Certain Types of Outdoor Storage**

1. Temporary outdoor storage of bulk garden and farming supplies such as wood chips, peat moss, flower flats and similar items shall not be subject to the provisions of this section (1305-2 (a)).
2. Storage of operable automobiles and other operable motor vehicles by motor vehicle sales and rental establishments shall not be subject to the requirements of this section (1305-2 (a)). Motor vehicle sales and rental establishments shall be permitted to display up to five (5) motor vehicles within landscape buffer strips established pursuant to the provisions of SECTION 1302-2 Buffering of Nonresidential Uses Adjacent to a Public Thoroughfare.

SECTION 1306. REGULATIONS PERTAINING TO EXISTING PLANT MATERIAL

1306-1 Consideration of Existing Plant Material

In instances where healthy plant materials exist on a site excluding plants in a public right of way or easement prior to its development, the Planning Commission pursuant to site design approval may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve, the intent of this Ordinance.

**ARTICLE XIV
SITE PLAN REVIEW PROCEDURES AND STANDARDS**

<u>SECTION 1400. INTENT</u>	14.1
<u>SECTION 1401. APPLICABILITY</u>	14.1
<u>SECTION 1402. SUBMISSIONS</u>	14.2
<u>SECTION 1403. STANDARDS FOR APPROVAL</u>	14.4
<u>SECTION 1404. PERFORMANCE STANDARDS FOR ALL USES SUBJECT TO SITE PLAN REVIEW</u>	14.6
<u>SECTION 1405. SITE PLAN REVIEW PROCEDURES</u>	14.8
<u>SECTION 1406. BUILDINGS AND STRUCTURES NOT SHOWN ON APPROVED SITE PLANS ARE PROHIBITED</u>	14.9

ARTICLE XIV
SITE PLAN REVIEW PROCEDURES AND STANDARDS

SECTION 1400. INTENT

These site plan review procedures and standards are instituted to provide for Planning Commission approval of site plans to ensure full compliance with all applicable requirements of this Ordinance and to set additional requirements in accordance with the standards set forth herein where such additional requirements are necessary to protect the public health, safety, and general welfare. It is hereby recognized that the need to protect land and water resources and to respond to peculiarities of lot contour, existing and potential adjacent development, existing and potential vehicular and pedestrian circulation and other determinants may require special regulation of the location and external design of buildings, open spaces, parking areas and driveways that cannot be achieved by detailed specifications. Therefore, Planning Commission approval is required as set forth herein. The site plan review process should provide an opportunity for consultation and cooperation between the applicant and the township so that maximum utilization of land consistent with minimum adverse effects on adjoining development and areas and land and water resources can be achieved.

SECTION 1401. APPLICABILITY

The site plan review procedures and standards set forth herein shall apply as follows:

- 1401-1 At the time of initial development or expansion of existing residential uses except single family detached and two family residential uses by 4 or more dwelling units..
- 1401-2 At the time of initial development of a non-residential use, except a non-residential use which is a use permitted by right in an agricultural district, or at the time of expansion of an existing non-residential use, except a non residential use which is a use permitted by right in an agricultural district, by 50% or 1000 square feet, whichever is less.
- 1401-3 At the time of initial development or expansion of all special land uses.
- 1401-4 At the time of change from a residential to non-residential use or from a non-residential to residential use.
- 1401-5 At the time of any change from one non-residential use to another non-residential use which increases the demands for parking or changes the site design criteria applicable under the terms of ARTICLE XIII or any other provision of this Ordinance.
- 1401-6 At the time of initial establishment or enlargement of any other use for which site plan review is specifically required by this Ordinance.
- 1401-7 Any development not requiring a site plan shall be reviewed as a plot plan by the building and Zoning Administrators.

SECTION 1402. SUBMISSIONS

1402-1 Submissions Requirements

Required site plan information is specified on the site plan checklist form which is adopted by Resolution of the Township Board and available from the Township Zoning Administrator. The site plan checklist shall, at a minimum, require the following:

- a. General Requirement of Overall Development Plan Submission: Shall consist of a set of drawings shown at a scale of not less than 1 inch equals 50 feet on a standard sheet size of 24" x 36". A scale of 1 inch equals 100 feet when conditions warrant or do not allow the use of the standard sheet size at a scale of 1 inch equals 50 feet may be permitted. Three sets of drawings/plans together with the required application and fees shall be submitted to the Zoning Administrator. All site plans must be submitted to Davison Area Fire Department, 430 Main St., Davison, for Fire Department approvals. Included in the development plan submissions shall be the following information:
 1. Title Block Information
 - a) Name and address of property owner, developer and / or proprietor.
 - b) Name of community.
 - c) Scale of drawing.
 - d) Revision block (month, day and year).
 - e) Name of architect, engineer, surveyor, landscape architect or planner with professional seal.
 - f) Legal description of parcel.
 2. Legend Information
 - a) Area of the parcel proposed for development.
 - b) Area of proposed building(s).
 - c) Number of parking spaces provided and number required by the Zoning Ordinance.
 - d) Number of loading and unloading spaces if required by the Zoning Ordinance.
 - e) Percent of parcel covered by main and accessory buildings.
 - f) Legal description of the parcel.
 - j) Estimated development cost of the project.
 3. Area Plan/Community Location (Off Site)
 - a) Zoning classification of all adjacent properties.
 - b) Location of all driveways opposite development and nearest driveways on contiguous street fronting property.
 - c) The location of existing sewers, culverts, water mains, storm drains, telephone lines and gas lines within or adjacent to the parcel.
 - d) North arrow.
 - e) Location of significant natural features including water courses, water

bodies, stands of trees, etc..

4. Site Plan Development (On Site)

- a) Location and uses of all proposed and existing buildings.
- b) Dimensions from all exterior property lines to proposed and existing buildings.
- c) Existing and proposed contour grades throughout the site.
- d) If development is in phases, total overall conceptual development shall be shown together with details of Phase I.
- e) On-site utilities, their location and connection to off-site utilities including storm drains.
- f) The location and dimensions of all existing and proposed streets, driveways, sidewalks, service lanes and other vehicular and pedestrian circulation features within the proposed site.
- g) Internal vehicular circulation pattern and points of ingress and egress to the site.
- h) Location of all parking facilities and loading and unloading areas.
- i) Provision of acceleration, deceleration and passing lanes if required.
- j) Location of trash receptacles, transformer pads or other hard surface structures.
- k) Location of all underground and above ground storage tanks, showing berming detail on above ground tanks if required.
- l) Location of outside storage areas for all hazardous materials / waste showing berming and/or retention detail as required.
- m) Dimensions of all existing and proposed lot lines.
- n) Location of exterior drains, catch basins, retention/detention areas, sumps and other facilities designed to collect storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.
- o) The location, dimensions and names of all public or private easements of record.

5. Landscaping, Lighting and Sign Details.

- a) Greenbelts, screening walls and/or berms, and cross section around parking stations, trash receptacles, utility structures and for screening adjacent properties.
- b) Landscaping specifications showing planting materials and number noted in landscape legend.
- c) Exterior lighting with locations.
- d) Location, size and design of all signs.

6. Plans Submitted to the Zoning Administrator

Plans for site plan review must be submitted to the Zoning Administrator by the second Monday of the month in order to insure sufficient time for the

Zoning Administrator to evaluate the plans for forwarding to the mini site review committee which is held on the second Thursday of the month.

7. Professional Design Review Fees

When it is recommended by the Planning Commission and determined necessary by the Township Board to have professional planners, engineers, surveyors, etc. review site plans or other development requests, the Township Board shall notify the applicant of the anticipated costs of those review services and may pass those costs on to the applicant.

1402-2 Certification Requirements.

Before a building permit will be issued, approved site plans shall require certification from :

- a. Genesee County Road Commission or Michigan Department of Transportation (whichever is applicable)
- b. Genesee County Drain Commission
- c. Genesee County Division of Water and Waste, Soil Sedimentation and Erosion Act
- d. Genesee County Health Department
- e. Michigan Department of Environmental Quality wetlands permit (when applicable)
- f. Adequate bonding from a financial institution in accordance with Section 1906
- g. Richfield Township Assessing Department and Genesee County Land Record Division for all deed updates, splits and or combinations
- h. Any approvals required from Federal Agencies (F.A.A., F.C.C. etc.)

SECTION 1403. STANDARDS FOR APPROVAL

Site plans shall be approved only upon a Planning Commission finding that all of the following conditions are met:

- 1403-1 The proposed site is in accordance with all provisions of the Zoning Ordinance.
- 1403-2 Every structure or dwelling unit has access to a public street, walkway or other area dedicated to common use.
- 1403-3 Parking, loading and vehicular circulation areas are located and screened to minimize adverse impacts on adjoining and nearby property.
- 1403-4 Access and egress drives are located to minimize conflicts with traffic on public thoroughfares.
- 1403-5 The arrangement of public or common ways for vehicular and pedestrian circulation is coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.

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- 1403-6 All buildings or groups of buildings are arranged as to permit emergency vehicle access by some practical means to all sides.
- 1403-7 There is a pedestrian circulation system which is insulated as completely as reasonable possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping areas and other uses which generate a considerable amount of pedestrian traffic.
- 1403-8 Provision is made for reasonable, visual and sound privacy for all dwelling units located therein and adjacent thereto. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.
- 1403-9 Insofar as practical, the development will not detrimentally affect natural features such as ponds, streams, wetlands, hillsides or wooded areas, but will preserve and incorporate such features into the development's site design.
- 1403-10 Topography and other natural features of the site have been considered in accordance with the highest professional standards in the designing and siting of all physical improvement.
- 1403-11 Removal of topsoil, trees and other natural features before the commencement of building operations, will occur only in those areas approved for the placement of physical improvements. Areas to be left undisturbed during construction shall be so indicated on the Site Plan and shall be so identified so as to be obvious to construction personnel.
- 1403-12 The development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing the magnitude and volume of flood at other locations.
- 1403-13 Drainage has been designed to prevent erosion, environmentally deleterious surface run-off and ground water pollution.
- 1403-14 Adequate provision is made for public and/or private sewage treatment.
- 1403-15 The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- 1403-16 Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- 1403-17 Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- 1403-18 General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on site closed holding tank (not a septic system), or regulated through a state of Michigan groundwater discharge permit.
- 1403-19 State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. no

discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

1403-20 The use shall meet the performance standards in Section 1404 performance standards.

SECTION 1404. PERFORMANCE STANDARDS FOR ALL USES SUBJECT TO SITE PLAN REVIEW

1404-1 Performance Standards

All uses which are subject to site plan review shall conform to the following performance standards:

- a. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- b. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- c. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- d. Smoke shall not be emitted with a density greater than No. 1 on the Ringelmann Chart as issued by the U. S. Bureau of Mines except for once hourly blow-off periods of ten (10) minutes duration when a density of not more than No. 2 is permitted.
- e. No malodorous gas or matter shall be permitted which is offensive or which produces a public nuisance or hazard on any adjoining lot or property.
- f. No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grains per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not to exceed fifty (50) percent excess air.
- g. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway. In particular, any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot-candle when measured at any residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.

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- h. Pollution of water shall be subject to such requirements and regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:
1. No wastes shall be discharged in the public or private sewer system which is dangerous to the public health and safety.
 2. Acidity or alkalinity shall be neutralized to a PH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of PH 5.0 to 10.0.
 3. Wastes shall contain no cyanides and no halogens and shall contain not more than ten p.m. of the following gases: hydrogen sulfite, sulfur dioxide, and nitrous oxide.
 4. Wastes shall not contain an insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m.
 5. Wastes shall not have chlorine demand greater than 15 p.p.m.
 6. Wastes shall not contain phenols in excess of .005 p.p.m.
 7. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
- D) At no point on the boundary of any non-industrial district shall the sound pressure level of any operation exceed the levels designated below:

Octave Band in Cycles per Second.	Maximum Permitted Sound Level in Decibels
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

1404-2 Professional Certification of Compliance

In those cases where there is substantial doubt as to whether a use subject to the performance standards in Section 1404-1 meets those standards, the use shall be established or enlarged only after an appropriately licensed and/or qualified engineer, scientific, or other professional has certified that the facilities for such use as set forth in the site plan review application will, under normal operation, conform to the performance standards set forth in Section 1404-1 above. The professional so certifying shall be retained by the Township, but the professional fee shall be paid in advance by the applicant as part of the site plan review fee. The Planning

Commission may waive this requirement upon a determination that the use and facilities as proposed will be unlikely to violate the performance standards.

SECTION 1405. SITE PLAN REVIEW PROCEDURES

1405-1 Application, Documentation and Fees

An application for site plan approval shall be made by an owner of an interest in the land on which the use is to be located to the Zoning Administrator accompanied by the necessary fees in accordance with the schedule of fees adopted by the Township Board, which is established by resolution, at least five (5) days prior to the next scheduled mini site review meeting and shall be accompanied by the documentation set forth in Section 1402-1. Three (3) copies of all plans shall be submitted.

1405-2 Site Plan Required for Review

Site plans will be checked for completeness by the Zoning Administrator and no plans will be processed unless they are complete. If the Zoning Administrator determines that the site plan is complete, he/she shall call a meeting of the mini site plan review committee. This committee shall consist of the Zoning Administrator and three members of the Planning Commission who shall serve on a rotating basis as scheduled by the Planning Commission. The committee shall review the site plan based on the provisions of this article and other relevant provisions of the ordinance and prepare a recommendation to the Planning Commission to approve, approve with conditions or deny the site plan approval request at its next regularly scheduled meeting.

1405-3 Planning Commission Action on Complete Applications for Eligible Uses

After review by the Mini Site Plan Review Committee, their determination shall be presented to the Planning Commission. The Planning Commission shall review the application for conformance to the general and specific standards of this Ordinance. The Planning Commission shall pass a resolution approving, approving with conditions, or disapproving the application. The resolution shall state the reasons for the Commission's findings. Actions to approve, approve with conditions, or disapprove shall require a majority vote of the quorum present at the meeting. Said resolution shall be passed by or at the next regularly scheduled Planning Commission meeting.

1405-4 Resubmission of Denied Applications Restricted

No application for site plan review which has been denied by the Planning Commission shall be resubmitted without modification of the application to conform to the provisions of this Ordinance, except on grounds of newly discovered evidence or proof of change conditions, sufficient to justify reconsideration by the Planning Commission. Each reapplication will be treated as a new application.

1405-5 **Expiration of Site Plan Review Approval**

Site plan review approval shall expire within twenty-four (24) months of the date of the resolution approving the application unless the approved use has occupied the subject site or construction pursuant to the approved application has commenced. An applicant may reapply for approval of an expired approval from the Zoning Administrator, but such approval shall only be granted if the site plan meets all ordinance requirements in effect on the date of reapplication. The reapplication shall be reviewed in light of changed circumstances around the site which may necessitate site plan modifications in order to conform to applicable standards. Fees for reapplication may be waived by administrative approval.

1405-6 **Guarantees Of Site Plan Improvement**

Prior to the issuance of a building permit, the applicant shall file with the clerk a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township. The amount of such guarantee shall cover all improvements not normally covered in the building permit, i.e., berms, walls, landscaping, lighting, surfacing of drives, parking, service drives, traffic control devices within the jurisdiction of the township, reclamation, and other improvements. The guarantee shall include a schedule of costs assigned to the different improvements pursuant to site plan approval or special land use approval. Monies may be released to the applicant after the Zoning Administrator has inspected the work covered by the guarantee, and the work has been approved by the building inspector's certification of the proportion of the work completed. The amount of money released shall be in proportion to the amount of work completed less ten (10) percent. The final ten (10) percent shall be released within six (6) months of completion of all work covered by the guarantee, provided all terms of this ordinance are complied with.

SECTION 1406 BUILDINGS AND STRUCTURES NOT SHOWN ON APPROVED SITE PLANS ARE PROHIBITED

Buildings and structures including signs not shown on an approved site plan are expressly prohibited by this Ordinance. No permit shall be issued for any building or structure not shown on an approved site plan until said site plan has been amended to show said building and structure and the amended site plan has been approved according to the procedures set forth in Section 1401 above.

**ARTICLE XV
SIGN REGULATIONS**

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**ARTICLE XV
SIGN REGULATIONS**

SECTION 1500. INTENT

It is the intent of this Article to: 1) create a healthier residential and business environment by improving the visual quality of the Township, and 2) protect motorists from the distracting visual clutter of excessive signage. The regulations contained in the Article restrict signage primarily to that which identifies a particular user of a parcel of property and permits reasonable advertising of the goods and services available on the property. Signage with an advertising purpose is permitted on a limited basis.

SECTION 1501. SCOPE OF REQUIREMENTS

The regulations herein set forth shall apply to and govern signs in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations governing content, size, locations and other sign characteristics for the district in which it is located.

SECTION 1502. GENERAL PROVISIONS

1502-1 Unregulated Signs

The provisions of this Ordinance shall not apply to the following:

- a. Signs not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right-of-way.
- b. Traffic signs of any public or governmental agency.
- c. Any identification of any official public office, notices thereof, or any flag, emblem or insignia of the nation, a unit of government, or public school.
- d. Any sign which is located completely within an enclosed building, and which sign is not visible from outside the building.
- e. Tablets, grave markers, headstone, statuary, or remembrances of persons or events that are noncommercial in nature.
- f. Works of fine art when not displayed in conjunction with a commercial enterprise which may receive direct commercial gain from such display.
- g. Temporary decorations or displays celebrating the occasion of traditionally-accepted patriotic or religious holidays, and special township-wide and public school activities.
- h. Signs on a truck, bus, trailer, or other vehicle while operated in the normal course of a business which is not primarily the display of such sign.
- i. Names and addresses on postal boxes.

- j. Residential address numbers.
- k. Names of newspapers and similar publications on their delivery boxes.
- l. The posting of privately owned land and/or the buildings or structures thereon against trespass, hunting, fishing, swimming or any other activity and/or the warning of any person against any danger, hazard or condition of, on, in, or pertaining to such land and/or the buildings and structures thereon.
- m. Flags provided they are located on a single flag pole and the pole does not exceed the height limitations of the district in which the parcel is located. (All districts shall not exceed forty (40) feet in height)
- n. For sale, for lease, and for rent signs except as provided in Section 1503-3.
- o. Signs accessory to roadside stands except as provided in Section 1504-1.
- p. Farmstead identification signs except as provided in Section 1504-2.
- q. Residential unit nameplate identification signs except as provided in Section 1505-1.
- r. Window signs advertising special sales, events, or services except as provided in Section 1507-6.
- s. Signs permitted pursuant to Section 1509-2.

1502-2 Prohibited Signs

The following signs shall not be permitted, erected, or maintained in any district:

- a. Signs which incorporate any flashing or moving lights, except that this section shall not be deemed to prohibit signs which utilize moving or exposed incandescent light bulbs to state time, temperature and stock market information.
- b. Banners, pennants, spinners, and streamers, except as permitted by Section 1502-1(g).
- c. String lights used in connection with commercial premises for commercial purposes except as permitted by Section 1502-1(g).
- d. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or by action of normal wind current.
- e. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.

- f. Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
- g. Any sign which makes use of words such as Stop , Look , Danger , or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- h. Any sign which was or is unlawfully installed, erected, or maintained under the terms of this Ordinance.
- i. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold.
- j. Portable signs, except pursuant to Section 1511 . For the purposes of this Section a portable sign shall be any sign which is not permanently affixed to the ground or to a building or other structure which is affixed to the ground.
- k. Any sign attached to a standpipe, gutter drain, or fire escape, or any sign erected so as to impair access to a roof.
- l. Any building mounted sign which would project above the height, as defined by this Ordinance, of the building on which it is located at the point where it is located.
- m. Any sign which would project into any public right-of-way or other access way, or the corner clearance set forth in Section 1706.
- n. Any sign located on the exterior of a building which would project more than fifteen (15) inches there from, except as provided for in Section 1502-3.
- o. Any other sign not specifically authorized by this Ordinance.

1502-3 Marquee, Awning, and Canopy Signs

Where limitations are imposed by this Ordinance on the projection of signs from the face of the wall of any building or structure such limitations shall not apply to canopy, awning, or marquee signs indicating only the name of the building or the name of the principal occupant of the building, provided that any identification sign located on a marquee, awning, or canopy shall be affixed flat to the vertical face thereof, and provided further that all marquee signs and canopies shall be counted in determining the number and area of permitted signs.

1502-4 Nonconforming Signs

Any sign already established on the effective date of this Ordinance, and which sign is rendered nonconforming by the provisions herein, and any sign which, as a result of subsequent amendments hereto, shall be rendered nonconforming, shall be subject to the nonconformity provisions set forth in Section 1702 of this Ordinance, and shall also be subject to the nonconformity provisions set forth herein.

- a. Change of nonconforming sign or replacement of nonconforming sign with another nonconforming sign prohibited

No nonconforming sign shall be changed to another nonconforming sign nor shall any nonconforming sign be replaced by another nonconforming sign.

b. Alteration of Nonconforming Sign Restricted

No nonconforming sign shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, or design of the sign except that replacement of one copy face with another copy face carrying a conforming message shall be permitted provided such replacement does not exceed fifty (50) percent of the entire replacement cost of the sign. Normal maintenance of nonconforming signs to preserve structural soundness shall not be prohibited.

d. Reconstruction After Damage Restricted

No nonconforming sign shall be reconstructed after damage or destruction if the cost of reconstruction exceeds fifty (50) percent of the replacement cost of the sign.

e. Change of Nonconforming Sign to Conforming Sign Permitted

Nothing in this Ordinance shall prohibit the change of a nonconforming sign to a conforming sign.

f. Illegal Nonconforming Signs Not Protected

Nothing in this Ordinance shall be deemed to allow the continued maintenance of a sign which was illegal in its size, or location at the time said sign was originally erected, unless said sign shall be conforming under the provisions of this Ordinance. Signs which do not conform to the provisions of this Ordinance and which do not conform to the provisions of applicable Ordinances in effect at the time they were erected shall be an illegal violation of this Ordinance and shall be subject to immediate removal.

1502-5 Construction and Maintenance

The construction, installation, erection, anchorage, and maintenance of all signs shall be subject to the regulations of the Building Code. All electrical wiring associated with freestanding signs shall be installed underground.

1502-6 Mounting of Signs and Sign Supports

a. Mounting

All signs shall be mounted in one of the following manners:

1. Flat against a building or wall.
2. Back to back in pairs, so that the backs of signs will be screened from public view.

3. Clustered in an arrangement which will screen the backs of the signs from public view.
 4. Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.
- b. Sign Supports
- Support structures which are not counted in the permitted area of a sign shall conform to the following requirements:
1. Individual support structures shall not exceed one (1) square foot in horizontal cross section.
 2. Individual support structures shall not be placed closer than four (4) feet to each other.
- c. Painted Wall Signs
- Signs painted on the walls of buildings shall follow the same requirements as wall-mounted signs.

1502-7 Illumination of Signs

- a. Except as provided in b below, signs shall be illuminated only by lights which are placed inside the translucent face or faces of the sign, or by lights which are directed to shine directly on the sign. Lights illuminating signs shall be directed and/or shielded so as not to shine directly unto neighboring property or the eyes of passing motorists.
- b. Signs which give time, temperature, and/or stock market information may consist of exposed incandescent bulbs.

SECTION 1503. SIGNS PERMITTED IN ALL DISTRICTS

The following signs shall be permitted in all districts:

1503-1 Parking Area Identification Signs

Freestanding signs with one or two faces and wall mounted signs with one face shall be permitted subject to the following controls:

- a. Permitted Content
Designation of entrance and exit points, including directional arrows.
- b. Maximum Area: Four (4) square feet per sign face.
- c. Maximum Number: One (1) per entrance and exit.

d. Location

On the same zoning lot as the parking area to which it is accessory, and subject to Planning Commission approval.

e. Maximum Height: Six (6) feet.

1503-2 Parking Area Directional and Related Signs

Freestanding signs with one (1) or two (2) faces and wall-mounted signs with one (1) face shall be permitted subject to the following controls:

- a. Permitted Content: The direction of traffic flow within a parking or loading area, areas where no parking is permitted, parking spaces for the handicapped, reserved parking spaces, and other similar information, all subject to Planning Commission approval.
- b. Maximum Area: Not larger than is necessary to be visible to motorists on the site where they are located, and subject to Planning Commission approval.
- c. Maximum Number: As necessary to regulate traffic flow, parking, loading, handicapped, and reserved parking, and subject to Planning Commission approval.
- d. Location: On the same zoning lot as the parking area to which it is accessory, and subject to Planning Commission approval.
- e. Maximum Height: As necessary for visibility to motorists on the site where they are located, and subject to Planning Commission approval.

1503-3 For Sale , For Lease , and For Rent Signs

Freestanding signs with one (1) or two (2) faces and wall-mounted signs with one (1) face shall be permitted subject to the following controls:

- a. Permitted Content: The name, logo, address, and telephone number of the real estate agent or owner, and whether the property is for sale, lease, or rent.
- b. Maximum Area:
 1. For residential uses: Eight (8) square feet per sign face.
 2. For nonresidential uses: Sixteen (16) square feet per sign face.
- c. Number: One (1) sign per zoning lot.
- d. Location: On the zoning lot advertised for sale, and not closer than twenty (20) feet to any side property line.

- e. Maximum Height:
 - 1. Wall mounted: No higher than the wall on which it is mounted.
 - 2. Freestanding: Six (6) feet.
- f. Additional Requirements: Such signs shall be removed within thirty (30) days after the property is sold, leased, or rented.

1503-4 Garage Sale, Yard Sale, and Basement Sale Signs

Freestanding signs with one (1) or two (2) faces and wall-mounted signs with one (1) face shall be permitted subject to the following controls.

- a. Permitted Content: Type of sale, the address, dates and hours of the sale, and directional information.
- b. Maximum area: Six (6) square feet per face.
- c. Maximum Number: Not more than one (1) per zoning lot, nor three (3) per sale.
- d. Location: Only on zoning lots where the property owner has given permission, and not closer than twenty (20) feet to any side lot line.
- e. Maximum Height:
 - 1. Freestanding: Six (6) feet.
 - 2. Wall Mounted: No higher than the wall on which it is mounted.
- f. Duration and Frequency of Use: Signs shall not be located on any zoning lot for more than four (4) consecutive days nor for more than a total of eight (8) days during any 180 day period.
- g. Limitations of Use: Such signs shall be permitted exclusively to identify sales conducted on private residential property by the residents of said property to sell their own household merchandise.

1503-5 Political Signs

Freestanding signs with one (1) or two (2) faces and wall-mounted signs with one (1) face shall be permitted subject to the following controls:

- a. Maximum Area: 4 feet x 8 feet.
- b. Duration of Use: Such signs shall not be displayed for more than thirty (30) days prior to an election, or for more than five (5) days following an election.

SECTION 1504. SIGNS PERMITTED IN RRA AND SRA DISTRICT

1504-1 Signs Accessory to Roadside Stands

Freestanding signs with one (1) or two (2) faces and stand mounted signs with one (1) face shall be permitted subject to the following controls.

- a. Permitted Content: The signs shall be only for the purpose of identification of the roadside stand and the agricultural products for sale therein.
- b. Maximum Area: Twenty (20) square feet per face.
- c. Maximum Number: One (1) per zoning lot.
- d. Location: On the same zoning lot as the roadside stand which it identifies, and not within fifty (50) feet of another zoning lot nor less than ten (10) feet from any public right-of-way line.
- e. Maximum Height:
 1. Freestanding: Six (6) feet.
 2. Mounted on Stand: Ten (10) feet.

1504-2 Farmstead Identification Signs

The name of a farmstead or farmstead owner painted on a barn or other farm building shall be permitted in agriculture districts provided such name is not for purposes of commercial or monetary gain.

SECTION 1505. SIGNS PERMITTED IN RRA, SRA, AND SR DISTRICTS

1505-1 Residential Unit Nameplate Identification Signs

Freestanding signs with one (1) or two (2) faces and stand mounted signs with one (1) face shall be permitted subject to the following controls.

- a. Permitted Content: The name of the occupant(s) and address of the residential unit for which the sign is accessory.
- b. Maximum Area: Two (2) square feet per face.
- c. Maximum Number: One (1) per dwelling unit.
- d. Location: On the same zoning lot as the residential unit which the sign identifies.

- e. Maximum Height:
 - 1. Freestanding: Six (6) feet.
 - 2. Wall Mounted: No higher than the wall on which it is mounted.

1505-2 Identification Signs Accessory to Permitted Nonresidential Uses in Residential Districts

Freestanding signs with one (1) or two (2) faces and wall-mounted signs with one (1) face shall be permitted subject to the following controls.

- a. Permitted content: The name, logo, and address of the building to which the sign is accessory or its principal occupant. Not more than one occupant shall be named.
- b. Maximum Area: Twelve (12) square feet for a one (1) face or each face of a two (2) face sign.
- c. Maximum Number: One (1) per zoning lot.
- d. Location: On the principal structure of the use to which it is accessory, UNLESS said structure is more than fifty (50) feet from the nearest right-of-way, then freestanding on the same zoning lot as the use which the sign identifies, and not less than ten (10) feet from any public right-of-way line and twenty (20) feet from any side lot line.
- e. Maximum Height:
 - 1. Freestanding: Six (6) feet.
 - 2. Wall Mounted: No higher than the wall on which it is mounted.

1505-3 Bulletin Boards Accessory to Churches and Other Houses of Worship

In addition to signs permitted pursuant to Section 1505-2, freestanding bulletin boards with one (1) or two (2) faces and wall mounted bulletin boards with one (1) face shall be permitted accessory to houses of worship subject to the following controls:

- a. Maximum Area: Twenty (20) square feet per sign face.
- b. Maximum Number: One (1) per zoning lot.
- c. Location: On the same zoning lot as the use to which it is accessory, and not less than ten (10) feet from any public right-of-way line and twenty (20) feet from any side lot line.
- d. Maximum Height: Six (6) feet.

1505-4 Temporary Signs Accessory to Residential and Other Permitted Development

Freestanding signs with one (1) or two (2) faces and wall-mounted signs with one (1) face shall be permitted subject to the following controls.

- a. Permitted Content: Identification of homes or home sites, condominiums, apartments, or mobile home sites for sale, lease or rent in a residential development under construction, or identification of non-residential development under construction.
- b. Maximum Area: Fifty (50) square feet per face.
- c. Maximum Number: One (1) per entrance to the development, but no two (2) signs for the same development shall be within five hundred (500) feet of each other.
- d. Location: Within one hundred (100) feet of the entrance of the development, and not less than ten (10) feet from any right-of-way line and twenty (20) feet from any property line located outside the development to which the sign pertains.
- e. Maximum Height: Six (6) feet.
- f. Time Limit: Eighteen (18) months from date the sign permit is issued.

1505-5 Residential Development Permanent Identification Signs

Freestanding signs with one (1) or two (2) faces and wall-mounted signs with one (1) face shall be permitted subject to the following controls.

- a. Permitted Content: The name, logo, and address (if applicable) of the residential development identified. Types of residential developments which may be so identified include subdivisions, condominiums, apartments.
- b. Maximum Area: Forty (40) square feet for a one (1) face sign or thirty-two (32) square feet for each face of a two (2) face sign.
- c. Maximum Number: Two (2) per entrance to the development, but no two (2) signs for the same development shall be within five hundred (500) feet of each other.
- d. Location: Within one hundred (100) feet of the entrance of the development, and not less than ten (10) feet from any right-of-way line and twenty (20) feet from any property line located outside the development to which the sign pertains.
- e. Maximum Height: Six (6) feet.

1505-6 Signs Accessory to Nonconforming Uses

Each nonconforming use in a RRA, SRA, or SR District shall be permitted one (1) accessory sign which conforms to the requirements of SECTION 1505-2, provided that the nonconforming use would not be subject to more restrictive sign regulations in the district in which said use is a permitted use.

SECTION 1506. SIGNS PERMITTED IN MH DISTRICT

1506-1 Mobile Home Development Permanent Identification Signs

Freestanding signs with one (1) or two (2) faces and wall-mounted signs with one (1) face shall be permitted subject to the following controls.

- a. Permitted Content: The name, logo, and address (if applicable) of the mobile home development identified.
- b. Maximum Area: Forty (40) square feet for a one (1) face sign or thirty-two (32) square feet for each face of a two (2) face sign.
- c. Maximum Number: Two (2) per entrance to the development, but no two (2) signs for the same development shall be within five hundred (500) feet of each other.
- d. Location: Within one hundred (100) feet of the entrance of the development, and not less than ten (10) feet from any right-of-way line and twenty (20) feet from any property line located outside the development to which the sign pertains.
- e. Maximum Height: Six (6) feet.

SECTION 1507. SIGNS PERMITTED IN OPB, CB, I-1 AND I-2 DISTRICTS

1507-1 Signs Accessory to Agricultural and Residential District Uses

Signs for agricultural and residential district uses in OPB, CB, I-1 and I-2 Districts shall be governed by the regulations which would apply to such uses in agricultural and residential districts.

1507-2 Identification Signs Accessory to Individual Business Occupants of a Zoning Lot

Freestanding signs with one (1) or two (2) faces and wall-mounted signs with one (1) face shall be permitted subject to the following controls.

- a. Permitted Content: The name, logo and address of the occupant to which the sign is accessory and other language pertinent to the use. Changeable copy shall not constitute more than 50% of the sign area.
- b. Maximum Area:
 1. Freestanding: Forty-eight (48) square feet for a one (1) face or each face of a two (2) face sign except that eighty (80) square feet for a one (1) face or each face of a two (2) face sign shall be allowed for properties fronting M-15 (State Road).
 2. Wall-Mounted: The total area of all wall-mounted signs on any wall shall not exceed ten (10) percent of the area of the wall on which they are mounted.
- c. Maximum Number:
 1. When only one (1) business occupies a zoning lot: Either one (1) free standing sign and two (2) wall mounted signs or three (3) wall-mounted signs per zoning lot.

2. When more than one (1) business occupies a zoning lot: One (1) freestanding sign per zoning lot plus one (1) wall-mounted sign for each business which has its own at grade customer entry directly to the exterior of the building.
- d. Location: On the same zoning lot as the occupant identified, and not less than ten (10) feet from any public right-of-way line or property line.
- e. Maximum Height:
 1. Freestanding: Twenty-one (21) feet.
 2. Wall Mounted: No higher than the wall on which it is mounted.

1507-3 Identification Signs Accessory to Office Parks, Shopping Centers, and Industrial Parks

Freestanding signs with one (1) or two (2) faces and wall-mounted signs with one (1) face shall be permitted subject to the following controls.

- a. Permitted content:
 1. Freestanding: The name, logo, address of the office, park, shopping center, or industrial park to which the sign is accessory plus the names, logos, and addresses of the individual businesses which occupy the complex and other language pertinent to the use. Changeable copy shall not constitute more than 50% of the sign area.
 2. Wall Mounted: The name, logo, and address of the office park, shopping center, or industrial park to which the sign is accessory.
- b. Maximum Area:
 1. Freestanding: Forty-eight (48) square feet for a one (1) face or each face of a two (2) face sign except that eighty (80) square feet for a one (1) face or each face of a two (2) face sign shall be allowed for properties fronting M-15 (State Road).
 2. Wall-Mounted: The total area of all wall-mounted signs on any wall shall not exceed ten (10) percent of the area of the wall on which they are mounted.
- c. Maximum Number: One (1) freestanding sign on one wall-mounted sign per zoning lot with an office park, shopping center, or industrial park. Plus one (1) additional such sign for complexes located on a zoning lot with over five hundred (500) linear feet of frontage on a public right-of-way. The number of signs permitted under the terms of this subsection (1507-3) shall be reduced by one (1) on zoning lots which have a freestanding sign permitted under the terms of subsection 1507-2 above.
- d. Location: On the same zoning lot as the office park, shopping center, or industrial park identified, and not less than ten (10) feet from any public right-of-way line or property line.
- e. Maximum Height:

1. Freestanding: Twenty-one (21) feet.
2. Wall Mounted: No higher than the wall on which it is mounted.
- f. Wall-mounted signs may be mounted on any building wall subject to Planning Commission approval pursuant to site plan review.
- g. Additional Requirements: When there is more than one (1) wall-mounted sign permitted under the terms of this subsection (1507-3) on the same building, all said wall-mounted signs shall have the same base line and the same top line.

1507-4 Time, Temperature, and/or Stock Market Signs

Signs giving time, temperature, and/or stock market information shall be permitted when attached to or made part of an otherwise permitted sign. Such signs shall not be larger than twenty-five (25) percent of the permitted area of the sign to which they are attached. Such signs shall not be counted as part of the permitted area of the sign to which they are attached.

1507-5 Signs for Nonconforming Uses

Signs for nonconforming uses which are not uses permitted in the RRA, SRA, and SR Districts shall conform to the applicable requirements as set forth in Sections 1507-2, 1507-3, and 1507-4.

1507-6 Window Signs Advertising Special Sales, Events, or Services

Signs pertaining to special sales, events, or services may be affixed to the inside of windows provided that their total area does not exceed seventy-five (75) percent of the window area.

SECTION 1508. SIGNS PERMITTED IN INDUSTRIAL DISTRICTS

1508-1 Signs Accessory to Agricultural, Residential, and Business District Uses

Signs for agricultural, residential, and business district uses in industrial districts shall be governed by the regulations which would apply to such uses in agricultural, residential, and business districts.

1508-2 Identification Signs Accessory to Individual Office, Commercial, and Industrial Occupants of a Zoning Lot

Freestanding signs with one (1) or two (2) faces and wall-mounted signs with one (1) face shall be permitted subject to the following controls.

- a. Permitted Content: The name, logo and address of the occupant to which the sign is accessory and other language pertinent to the use. Changeable copy shall not constitute more than 50% of the sign area.
- b. Maximum Area:

1. Freestanding: Forty-eight (48) square feet for a one (1) face or each face of a two (2) face sign.
 2. Wall-Mounted: The total area of all wall-mounted signs on any wall shall not exceed ten (10) percent of the area of the wall on which they are mounted.
- c. Maximum Number:
1. When only one (1) business occupies a zoning lot: Either one (1) free standing sign and two (2) wall mounted signs or three (3) wall-mounted signs per zoning lot.
 2. When more than one (1) business occupies a zoning lot: One (1) freestanding sign per zoning lot plus one (1) wall-mounted sign for each business which has its own at grade customer entry directly to the exterior of the building.
- d. Location: On the same zoning lot as the occupant identified, and not less than ten (10) feet from any public right-of-way line or property line.
- e. Maximum Height:
1. Freestanding: Twenty-one (21) feet.
 2. Wall Mounted: No higher than the wall on which it is mounted.
- f. Additional Requirements: When there is more than one (1) wall-mounted sign permitted under the terms of this subsection (1508-2) on the same building, all said wall-mounted signs shall have the same base line and the same top line.

1508-3 Identification Signs Accessory to Industrial Parks

Freestanding signs with one (1) or two (2) faces shall be permitted subject to the following controls:

- a. Permitted Content: The name, logo and address of the industrial park to which the sign is accessory, the name of each of its occupants and a map of the park or other language pertinent to the use. Changeable copy shall not constitute more than 50% of the sign area.
- b. Maximum Area: Forty-eight (48) square feet for a one (1) face or each face of a two (2) face sign.
- c. Maximum Number: One (1) per industrial park entrance.
- d. Location: Not less than ten (10) feet from any public right-of-way line and twenty (20) feet from any property line common to property located outside the industrial park which the sign identifies.
- e. Maximum Height: Six (6) feet.

**SECTION 1509. GASOLINE PRICE AND ESSENTIAL DIRECTIONAL SIGNS ACCESSORY TO
AUTOMOBILE FILLING AND SERVICE STATIONS**

1509-1 Gasoline Price Signs

One (1) gasoline price sign shall be permitted per street frontage. Said sign shall not exceed twelve (12) square feet in area per side. It shall be affixed to a permanent sign structure or to a building and shall not be located closer than twenty (20) feet to any side property line. The price sign shall not be included in the total area of signage otherwise permitted.

1509-2 Essential Directional Signs

Signs providing information needed for motorist to locate the proper service station pump site shall be permitted. Such signs shall include those identifying the type of fuel sold at individual service station pumps, the location of full service and self service pump islands, and other similar information. Such signs shall be of a size which can be seen by motorists once on the site.

SECTION 1510. OFF-SITE SIGNS AND BILLBOARDS

Off-site signs may be permitted by special use permit granted by the Richfield Township Planning Commission in the following zoning districts:

RRA	Rural Residential and Agricultural
OPB	Office Park Business
CB	Commercial Business
I-1	Restricted Industrial
I-2	General Industrial

1510-1 General Requirements.

- a. No off-site sign shall be permitted in any zoning district of this Township unless a special use permit therefor shall first be obtained from the Planning Commission. Upon receipt of an application for such permit which requires a decision on discretionary grounds, notice of the time and place when the Planning Commission will consider such application shall be given in the manner set forth in Section 1101-7 of this Ordinance.
- b. Permit fees shall be as set forth from time to time by resolution of the Richfield Township Board.
- c. The Township Planning Commission shall not issue permits for any off-site sign if such off-site sign shall constitute a use which is injurious to the surrounding neighborhood or contrary to the spirit and purpose of the Ordinance. The Township Planning Commission is directed that the Township considers its recreational lands and landscape of paramount importance to its citizens and to the several residential uses and recreational use of the lands of the entire Township and that, therefore, the Planning Commission shall not issue off-site sign permits at any location unless it shall determine that man-made structures have already spoiled or damaged the particular area's recreational uses and residential uses to the point that such off-site sign will not

cause materially more damage or spoilage of the use of such area for the vital recreational and residential uses. It is the intent of this Ordinance to reduce such off-site signs to an absolute minimum inasmuch as it is determined that the tourist, recreational and residential uses of lands in this Township are of far greater importance to the Township and its residents than any commercial advantage of such off-site signs and that once those vital uses are lost, then they are lost virtually forever to the present and future citizens and visitors to the community.

1510-2 Special Requirements

In those few instances when off-site signs shall be permitted by the Planning Commission, such signs shall not in any instance violate the following conditions:

- a. Must not be within five hundred (500) feet of an existing residential structure.
- b. Must not be closer than five hundred (500) feet to another advertising structure on the same side of the street.
- c. Shall not be longer than twenty (20) feet nor contain more than two (2) signs per facing, and shall have a maximum square footage of two hundred (200) square feet.
- d. All signs other than temporary signs, residential identification nameplate signs and residential area identification signs shall be constructed of, and erected upon steel or steel component structures, unless it can be illustrated that the use of wood, fiberglass or another substance is integral to the design of the sign and is as structurally capable as steel or steel component parts.
- e. All ground signs shall be constructed so as to withstand wind load pressure of thirty (30) pounds per square foot.
- f. No sign shall be permitted within public right-of-way.
- g. Illuminated signs are permitted only in commercial and industrial districts, but no flashing or zip flashers shall be allowed.
- h. No signs shall be painted directly on the exterior of any building.
- i. No sign shall be erected which resembles any official marker erected by a government agency.
- j. No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening of any building or structure.
- k. The owner, lessee or manager of the property on which a ground sign is located shall be responsible for the appearance of the property and sign on which such ground sign is erected, which appearance shall be neat, presentable and not neglected at all times.
- l. Signs which become unsafe shall be repaired or removed by the licensee upon notification by the Township Inspection Department.

- m. The source of light for any sign must be indirect or diffused and shall not be directed into any adjoining residential district.
- n. Projecting signs which extend over public property are prohibited.
- o. Roof signs are prohibited except in commercial and industrial districts. No roof sign shall be erected higher than thirty-five (35) feet above the roof or outside parapet wall to the top of the sign.
- p. The exposed uprights, superstructure and/or back side of all signs shall be painted a neutral color such as light blue, grey or white, unless it can be illustrated that such part of the sign designed or painted in another manner is integral to the overall design of the sign.
- q. For the purpose of this Ordinance, maximum square footage of a sign shall be computed on the basis of one (1) side of any multi-faced sign.
- r. No signs shall be painted on, attached to, or affixed to any trees, rocks, or other similar organic or inorganic natural matter.
- s. The Planning Commission may, after public hearing, modify or vary the provisions of this Section provided that notice shall be given as set forth in the Zoning Ordinance Section 1101-7 and provided that variation, exception or modification shall not be injurious to the surrounding neighborhood or contrary to the intent and purpose of this Section.

SECTION 1511. TEMPORARY SIGNS

Temporary signs shall be permitted for up to four (4) special events per year such as grand openings, fairs and festivals and for the announcement of new products or service provided that.

- 1. The signs shall be nonilluminated
- 2. The signs shall not exceed forty (40) square feet in area.
- 3. The signs shall not be closer than ten (10) feet to the public right of way.
- 4. The sign shall not be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.

SECTION 1512. PERMIT REQUIREMENTS

It shall be unlawful for any person to erect, alter, relocate, or maintain within the Township any sign without first obtaining a Sign Permit as set forth herein unless the sign is specifically exempted from the permit requirements set forth herein. No building, electrical or other similar construction permit shall be issued for any sign unless a sign permit as required herein has been obtained.

1512-1 Sign Permit Procedure

Application forms for sign permits shall be obtained from the Zoning Administrator and shall require such information as may be deemed necessary by the Zoning Administrator to determine compliance with the provisions of this Ordinance. Upon receipt of a completed sign permit application, the Zoning Administrator shall evaluate the application and determine if the sign or signs for which the permit is requested will meet the requirements of this Ordinance. Upon determination that the subject sign or signs will meet all of the requirements of this Ordinance, the Zoning Administrator will advise the Building Inspector to issue the sign construction permit.

1512-2 Fees

Fees for sign permit applications shall be as determined from time to time by resolution of the Board of Trustees.

**ARTICLE XVI
OFF STREET PARKING SPACE REQUIREMENTS**

<u>SECTION 1600. OFF-STREET PARKING SPACE REQUIREMENTS</u>	16.1
<u>SECTION 1601. OFF-STREET PARKING SPACE LAYOUT, CONSTRUCTION AND MAINTENANCE STANDARDS</u>	16.15
<u>SECTION 1602. OFF-STREET LOADING AND UNLOADING</u>	16.16

ARTICLE XVI
OFF STREET PARKING SPACE REQUIREMENTS

SECTION 1600. OFF-STREET PARKING SPACE REQUIREMENTS

- 1600-1 There shall be provided in all districts off-street parking spaces or hereinafter prescribed prior to the issuance of a certificate of occupancy. No certificate of occupancy shall be issued for any use which requires more parking spaces than the preceding use of the same land or structure until the additional required parking spaces are provided.
- 1600-2 Off-street parking spaces for non-residential uses in residential districts shall be located within a rear yard or within a side yard.
- 1600-3 Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve (or a distance approved by the Planning Commission), measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- 1600-4 Required off-street parking spaces for single- and two-family residential uses shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
- 1600-5 Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use of the same type.
- 1600-6 Any permissible expansion alteration or change of use which increases the required number of parking spaces shall require a corresponding increase in the number of parking spaces provided subject to appropriate review and approval requirements.
- 1600-7 Two or more buildings or uses on adjacent zoning lots or multiple uses on the same lot may collectively provide the required off-street parking. In such cases, the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately, except that the Township Board may, pursuant to site plan review, approve up to a twenty-five (25) percent reduction in the total number of required parking spaces provided it finds based on substantial evidence that: 1) the parking space needs of the uses involved do not overlap in time and therefore there will be no deficiency in parking as a result of the requested reduction, and 2) vehicular and pedestrian safety is enhanced by a reduction in the number of entrances and exit curb cuts that would otherwise be required. 3) adequate room is provided for additional spaces should the uses hours change and overlap.

TOWNSHIP ORDINANCE #120
ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

- 1600-8 The storage, maintenance or repair of merchandise, motor vehicles or other equipment on required off-street parking spaces is prohibited.
- 1600-9 For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
- 1600-10 When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- 1600-11 For the purpose of computing the number of parking spaces required, the definition of Gross Floor Area (ARTICLE II, DEFINITIONS) shall govern, except that the definition of Usable Floor Area may apply to a use if the Planning Commission determines that said use contains an exceptionally high proportion of space which will not generate parking demand. The amount of Usable Floor Area may be used to determine the number of parking spaces required only when there is adequate site area to accommodate the number of spaces which would be required if Gross Floor Area were used.
- 1600-12 Parking areas required for uses other than single-family residences shall have a durable, dustless surface of material such as asphalt or concrete.
- 1600-13 The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

OFF-STREET PARKING CHART

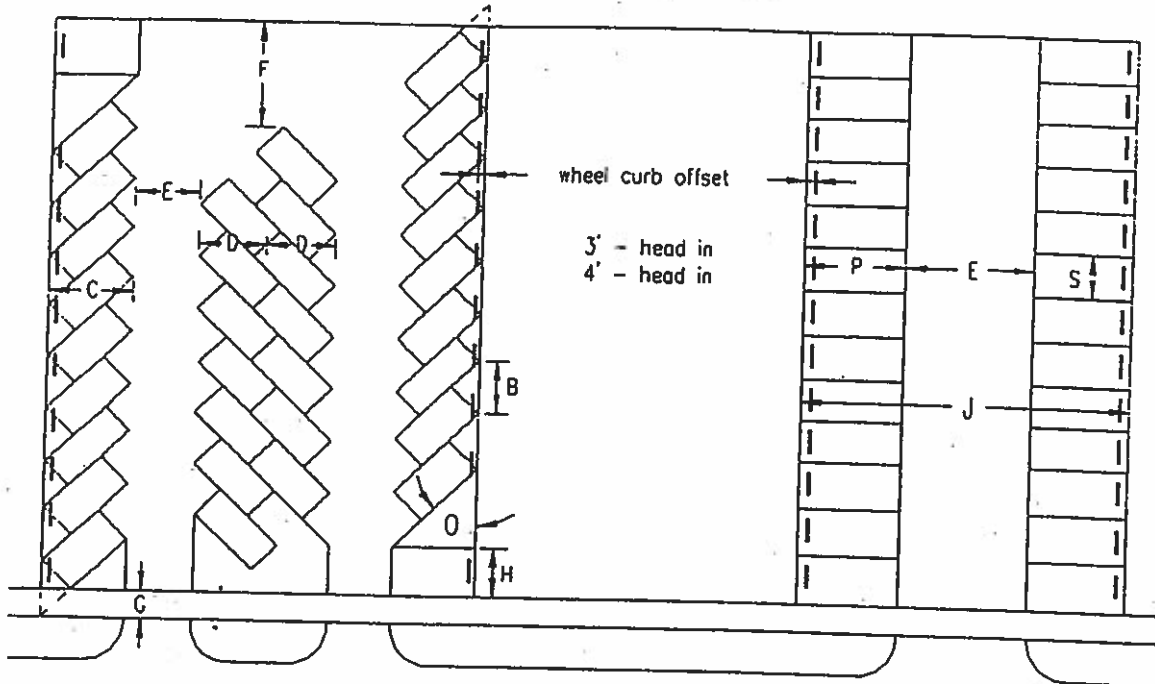


TABLE OF DIMENSIONS (IN FEET)

O	S	P	B	C	D	E	F	G	H	J
0°	10.0	19.0	20.0	10.0	10.0	12.0	-	0.0	0.0	32.0
30°	10.0	19.0	20.0	18.2	13.9	12.0	15.0	16.5	5.5	48.4
45°	10.0	19.0	14.1	20.4	16.9	9.0	17.0	7.0	8.0	49.8
60°	10.0	19.0	11.5	21.5	19.0	14.0	15.0	2.9	11.0	37.0
90°	10.0	19.0	10.0	19.9	19.0	23.0	20.0	0.0	0.0	61.0

- NOTE:
- O = PARKING ANGLE
 - S = PARKING SPACE WIDTH
 - P = PARKING SPACE LENGTH
 - B = CURB LENGTH OF PARKING SPACE WIDTH
 - C = PERPENDICULAR LENGTH OF STALL (AGAINST WALL)
 - D = PERPENDICULAR LENGTH OF STALL (OVERLAP)
 - E = AISLE WIDTH
 - F = TURN AROUND AISLE WIDTH
 - G = OVERHANG OF CURB LENGTH AT PERIPHERY
 - H = SETBACK
 - J = WALL-TO-WALL DIMENSION

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN RRA,
 SRA, SR, SRM, AND MH DISTRICTS. (Uses are listed in alphabetical order.)

USE	PARKING REQUIREMENTS
Airports, private.	As determined necessary pursuant to site plan review, but not less than one (1) per aircraft storage space.
Boarding and rooming houses. Bed & Breakfast.	Two spaces for the owner/operator plus one per rented room.
Campgrounds and recreation vehicle parks.	As determined necessary pursuant to site plan review, but not less than one (1) for each employee on the largest working shift and two per campsite.
Cemeteries.	As determined necessary pursuant to site plan review, but not less than one (1) for each employee on the largest working shift, plus one (1) for each three (3) persons allowed within the maximum occupancy load of chapels or other places of assembly as established by applicable fire, building, and health codes.
Churches.	One (1) parking space per four (4) seats in the sanctuary in which one (1) seat equals twenty four (24) inches in width.
Colleges, universities, and other institutions of higher learning.	As determined necessary pursuant to site plan review, but not less than one (1) for each employee on the largest working shift, plus one (1) for each three (3) full time equivalent students.
Conservation areas including forest preserve and game preserve areas.	As determined necessary pursuant to site plan review.
Convalescent homes.	One (1) for each employee on the largest working shift, plus one (1) for each four (4) beds of capacity.

Note: Where two or more uses listed in this chart including accessory uses are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN RRA, SRA, SR, SRM, AND MH.

USE	PARKING REQUIREMENTS
Equestrian sports facilities.	As determined necessary pursuant to site plan review, but not less than one (1) for each horse stall plus one (1) for each employee on the largest working shift plus stadium requirements where stadiums are present.
Elderly housing.	One (1) for each two (2) residential units plus one (1) for each employee on the largest shift. Should units revert to conventional occupancy, then requirements for conventional multiple family housing shall apply.
Essential services.	One (1) for each employee on the largest shift. At least one for maintenance vehicles.
Farming operations.	None.
Fraternity or sorority.	One (1) for each four (4) permitted active members or one (1) for each two (2) beds whichever is greater.
Golf courses, private club.	Six (6) for each green and one per practice tee.
Golf courses, public.	Six (6) for each green and one per practice tee.
Horse and dog racing tracks.	One (1) for each three (3) seats.
Hospitals.	One (1) for each employee on the largest shift, plus one (1) for each three (3) beds, plus one (1) for fifty (50) square feet of out patient examining room, dental chair, office, or similar out-patient use area.
Orphanages.	One and one tenth (1.1) for each employee on the largest shift.

Note: Where two or more uses listed in this chart including accessory uses are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

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ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN RRA, SRA, SR, SRM, AND MH DISTRICTS (Continued).

USE	PARKING REQUIREMENTS
Hunting areas, private or commercial.	As determined necessary pursuant to site plan review.
Motor vehicle amusement facilities.	As determined necessary pursuant to site plan review, but not less than ten (10) for each employee on the largest working shift.
Mobile home parks.	Two (2) hard surfaced parking spaces on each mobile home site. For management office, employee and community room parking, as determined necessary pursuant to site plan review.
Multiple family dwellings.	Two and one quarter (2.25) for each dwelling unit.
Parks and playgrounds, private	As determined necessary pursuant to site plan review.
Parks and playgrounds, public.	As determined necessary pursuant to site plan review.
Public cultural facilities such as libraries and museums.	One (1) per each employee plus one (1) per each three hundred (300) square feet of building area.
Public recreation and service facilities as follows:	
*Community Buildings	One (1) for each three (3) persons allowed within the maximum occupancy load as established by applicable fire, building, and health codes.
* Gymnasiums.	Same as for community buildings.
* Swimming Pools.	Same as for community buildings.
* Beaches and boat launching facilities.	As determined necessary pursuant to site plan review.

Note: Where two or more uses listed in this chart including accessory uses are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

TOWNSHIP ORDINANCE #120
ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN RRA, SRA, SR, SRM, AND MH DISTRICTS.(Continued)

USE	PARKING REQUIREMENTS
Public safety facilities as follows:	
* Police Stations	One and one tenth (1.1) for each employee on the largest working shift plus one (1) per each police vehicle assigned to the premises.
* Fire Stations	Two (2) for each employee on the largest working shift.
Roadside Stands	As determined necessary pursuant to site plan review, but not less than four (4).
Sand and Gravel Extraction	One (1) for each employee on the largest working shift.
Schools, public and private or middle	One (1) for each employee on the largest elementary and junior high working shift, plus one (1) for each twenty (20) students.
Schools, public and private senior high.	One (1) for each employee plus one (1) for each three (3) students plus the requirements for other facilities listed in this chart where present.
Single-family detached dwelling	Two (2) per each dwelling unit.
Single-family attached dwelling	Two (2) per each dwelling unit.
Stadium, sports arena, or other similar place of assembly.	One (1) per each three (3) seats.

Note: Where two or more uses listed in this chart including accessory uses are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

TOWNSHIP ORDINANCE #120
ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN OPB, CB, I-1, AND I-2 DISTRICTS. (Continued)

USE	PARKING REQUIREMENTS
Adult-oriented commercial uses.	One (1) for each two hundred (200) square feet of gross floor area.
Amusement establishments including:	
* Bowling Alleys	Five (5) for each bowling lane.
* Other amusement establishments including skating rinks, indoor shooting ranges, and dance halls.	One (1) for each three persons allowed within the maximum occupancy load as established by applicable fire, building, and health codes.
Arcades including pinball and electronic games, arcades, pool halls, and similar establishments.	One (1) for each three persons allowed within the maximum occupancy load as established by applicable fire, building and health code.
Art, sculptor and composer studios.	One (1) for each eight hundred (800) square feet of floor area plus one (1) for each artisan working on the site.
Automobile filling stations.	One (1) fueling space for each fueling hose plus one (1) stacking space (for vehicles waiting to be fueled) for each two (2) fueling hoses. In addition, one (1) parking space for each employee on the largest working shift. In addition one (1) parking space for each sixty (60) square feet of floor area in the cashier and office area, plus one (1) for each two hundred (200) square feet of floor area devoted to retail sales. In no instance shall less than three (3) spaces be provided. Spaces shall be arranged so that required parking spaces and maneuvering areas for parking do not conflict with vehicles being fueled or waiting fueling.

Note: Where two or more uses listed in this chart including accessory uses are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

TOWNSHIP ORDINANCE #120
ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN OPB, CB, I-1, AND I-2 DISTRICTS.(Continued)

USE	PARKING REQUIREMENTS
Automobile service stations.	One (1) fueling space for each fueling hose plus one (1) stacking space (for vehicles waiting to be fueled) for each two (2) fueling hoses. In addition, one (1) parking space for each employee on the largest working shift. In addition one (1) parking space for each sixty (60) square feet of floor area in the cashier and office area, plus one (1) for each two hundred (200) square feet of floor area devoted to retail sales. In addition, three (3) parking spaces for each auto service bay. In no instance shall less than three (3) spaces be provided. Spaces shall be arranged so that required parking spaces and maneuvering areas for parking do not conflict with vehicles being fueled or waiting fueling.
Automobile washing establishments, attended	One (1) for each one (1) employee. In addition, stacking spaces equal in number to five (5) times the maximum number of automobiles which could undergo some phase of preparation, washing, or drying at any one time.
Automobile washing establishments, self service.	Five (5) for each washing stall in addition to the stall itself.
Bars.	One (1) per each sixty (60) square feet of floor space or one (1) per each two (2) persons allowed within the maximum occupancy load as established by applicable fire, building, and health codes.

Note: Where two or more uses listed in this chart including accessory uses are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

TOWNSHIP ORDINANCE #120
ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN OPB, CB, I-1, AND I-2 DISTRICTS.(Continued)

USE	PARKING REQUIREMENTS
Department Stores.	One (1) per each two hundred fifty (250) square feet of gross floor area.
Drive-in theater.	One (1) per employee on the largest working shift in addition to viewing stalls.
Drive-through facilities for permitted uses.	Eight (8) stacking spaces for the first service window and six (6) for each additional service window.
Essential services.	One (1) per each employee on the largest shift. None where there are no employees.
General commercial uses as follows:	
* Auction rooms.	One (1) per each three (3) persons allowed within the maximum occupancy load as established by applicable fire, building, and health codes, plus one (1) per employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area.
* Catering establishments.	One (1) per each employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor space.
* Clubs and lodges, private.	One (1) per each three (3) persons allowed within the maximum occupancy load as established by applicable fire, building, and health codes, plus one (1) per employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area.

Note: Where two or more uses listed in this chart including accessory uses are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

TOWNSHIP ORDINANCE #120
ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN OPB, CB, I-1, AND I-2 DISTRICTS.(Continued)

USE	PARKING REQUIREMENTS
* Meeting halls and banquet rooms.	One (1) per each three (3) persons allowed within the maximum occupancy load as established by applicable fire, building, and health codes, plus one (1) per employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area.
* Physical culture and health services, commercial including gymnasiums, swimming pools, tennis and racquet ball facilities, reducing and massage salons and public baths.	One (1) per each one and one half (1.5) persons allowed within the maximum occupancy loads as established by fire, building, and health codes, plus one (1) per employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area
* Theaters, indoor.	One (1) per each one and one half (1.5) persons allowed within the maximum occupancy loads as established by applicable fire, building, and health codes, plus one (1) per employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area.
* All other general commercial.	One (1) per each three hundred (300) square feet of gross floor area.
General sales and service uses as follows:	
* Ambulance services.	One (1) per each employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area.
* Amusement device sales and service uses.	One (1) per each employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area.

Note: Where two or more uses listed in this chart including accessory uses are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

TOWNSHIP ORDINANCE #120
ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN OPB, CB, I-1, AND I-2 DISTRICTS.(Continued)

USE	PARKING REQUIREMENTS
* Automobile and light truck rental agency storage and maintenance yards.	One (1) per each employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area.
* Automobile and light truck sales and service agencies.	One per each three hundred (300) square feet of gross floor area, plus three (3) per each auto service bay.
* Food storage lockers.	One (1) per each employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area.
* Furniture repair and refinishing.	One (1) per each employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area.
* Golf driving ranges.	One (1) per each tee plus the requirements for other facilities listed in this chart where present.
* Recreation vehicle sales and service.	One per each three hundred (300) square feet of gross floor area, plus three (3) establishments per each vehicle service bay.
* Trailer sales and rental establishments.	One per each employee on the largest working shift.
* Upholstering, cloth and canvas products fabrications	Three (3) plus one (1) per each employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area.
* Light metal products fabrication.	Three (3) plus one (1) per each employee on the largest working shift, but not less than one (1) per each three hundred (300) square feet of gross floor area.
* All other general sales and service uses.	One (1) per each three hundred (300) square feet of gross floor area.

Note: Where two or more uses listed in this chart INCLUDING ACCESSORY USES are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

TOWNSHIP ORDINANCE #120
 ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN OPB, CB, I-1, AND I-2 DISTRICTS.(Continued)

USE	PARKING REQUIREMENTS
Higher-intensity office uses as follows:	
* Insurance claims centers	One per each two hundred (200) square feet of gross floor area plus three (3) for each adjuster on the largest shift.
* All other higher- intensity offices uses.	One per each two hundred (200) square feet of gross floor area.
Higher-intensity comparison commercial uses.	One per each two hundred (200) square feet of gross floor area.
Higher-intensity convenience commercial uses as follows:	
* Banks, savings and loans, credit unions and other financial institutions.	One (1) per one hundred twenty-five (125) square feet of gross floor area plus eight (8) stacking spaces per each drive-through window.
* Food stores.	One (1) per one hundred twenty-five (125) square feet of gross floor area.
* Other higher intensity convenience commercial uses.	One (1) per one hundred twenty-five (125) square feet of gross floor area.
Laboratories, medical, dental, and film.	One (1) per each three hundred (300) square feet of gross floor area.
Lower-intensity comparison commercial uses.	One (1) per each two hundred fifty (250) square feet of gross floor area.
Lower-intensity convenience commercial uses.	One (1) per each two hundred fifty (250) square feet of gross floor area.
Lower intensity office uses.	One (1) per each three hundred (300) square feet of gross floor area.

Note: Where two or more uses listed in this chart including accessory uses are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

TOWNSHIP ORDINANCE #120
ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN OPB, CB, I-1, AND I-2 DISTRICTS.(Continued)

USE	PARKING REQUIREMENTS
Lower-intensity personal services uses.	One (1) per each two hundred fifty (250) square feet of gross floor area.
Restaurants, standard, i.e. restaurants serving prepared-to-order meals brought to patrons' tables by waiters or waitresses. Standard restaurants may be combined with other types of restaurants in which case parking requirements for each type will be computed separately.	One (1) per each one hundred (100) square feet of gross floor area.
Restaurants, drive-through, i.e. restaurants serving prepared food to patrons in their vehicles for consumption off the premises. Drive-through restaurants may be combined with other types of restaurants in which case parking requirements for each type will be computed separately.	One (1) per each employee on the largest working shift. In addition, eight (8) stacking spaces for the first drive through window and six (6) stacking spaces for each additional drive through window
Restaurants, drive-in, i.e. restaurants serving prepared food to patrons in their vehicles for consumption on premises.	One (1) per each employee on the largest working shift.
Drive in restaurants may be combined with other types of restaurants in which case parking requirements for each type will be computed separately.	Spaces provided for serving patrons shall not count as required parking spaces.
Supermarkets.	One (1) per each one hundred twenty-five (125) square feet of gross floor area.

Note: Where two or more uses listed in this chart including accessory uses are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

PARKING REQUIREMENTS FOR USES PERMITTED BY RIGHT AND AS SPECIAL LAND USES IN OPB, CB, I-1, AND I-2 DISTRICTS. (Continued)

USE	PARKING REQUIREMENTS
Trade schools not involving industrial, motor vehicle, or other heavy equipment.	One (1) for each teacher, employee, and administrator on the largest working shift plus one (1) for each student at the peak hour of attendance.
Warehousing and outdoor storage for families and small businesses and for any accessory uses as determined by its use.	Three (3) per zoning lot, plus one per employee in the the largest shift

Note: Where two or more uses listed in this chart including accessory uses are located on the same site, parking requirements for each use shall be computed separately and the total parking requirement for the site shall be the sum of the requirements for each use.

SECTION 1601. OFF-STREET PARKING SPACE LAYOUT, NEW CONSTRUCTION AND MAINTENANCE STANDARDS

Whenever the off-street parking requirements in Section 1600 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

- 1601-1 No parking lot shall be constructed unless and until a site plan has been reviewed and approved. This requirement shall apply to construction of all parking lot facilities for established and proposed uses.
- 1601-2 Off-street parking facilities shall provide spaces for the handicapped in accordance with the provisions of Act 230 of Public Acts of the State of Michigan, 1972, as amended, and the Federal Americans With Disabilities Act.
- 1601-3 Plans for the layout of off-street parking facilities shall be in accord with the minimum requirements set forth on the following page, except as may be modified by Act 230.
- 1601-4 All spaces shall provide adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- 1601-5 Adequate ingress and egress to the parking lot by means of clearly limited and defined driveways shall be provided for all vehicles. Ingress and egress to a parking lot lying in the area zoned for other than single-family residential use shall not be across land zoned for single-family use. Adequate radii shall be provided to permit the turning of cars, emergency vehicles and other vehicles necessary to service the site.

TOWNSHIP ORLINANCE #120
ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

- 1601-6 Maneuvering lane widths shall as a minimum permit one-way traffic movement. Maneuvering lane widths for parking stalls aligned at ninety (90) degrees to maneuvering lanes shall as a minimum permit two-way movement.
- 1601-7 Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distance from adjacent property located in any single-family residential district.
- 1601-8 The off-street parking area shall also be subject to the requirements of ARTICLE XIII.
- 1601-9 The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphaltic or concrete surfacing, except that crushed rock surfacing may be used for single- and two-family residential uses, and for uses with ten (10) or fewer parking spaces. For industrial or commercial uses located more than four hundred (400) feet from any property zoned or used for residential purposes, the Township Board may, in the course of site plan review, waive the mandatory paving requirement for a period of up to five (5) years. The Township Board shall only waive the paving requirement when it finds that no nuisance will result to neighboring property and there will be no lowering of the general quality of development in the area. The waiver may be extended for five (5) year or shorter increments based on a new finding for each extension. Paved and crushed rock surfacing shall be in accordance with engineering standards duly adopted by the Township Board. The parking area shall be surfaced on or before an occupancy permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Stripes designating parking bays shall be painted on paved surfaces and maintained in good condition.
- 1601-10 All lighting used to illuminate any off-street parking areas shall be so installed as to be confined within and directed onto the parking areas only, and not produce glare or distraction for drivers on public thoroughfares or in the parking area.
- 1601-11 In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible, upon approval of the Township Board, to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
- 1601-12 Off-street parking facilities may provide for compact car parking spaces provided that the parking space is no larger than 9' x 18' and is no more than one-third (1/3) of the total parking area.

SECTION 1602. OFF-STREET LOADING AND UNLOADING

- 1602-1 On the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way.

TOWNSHIP ORDINANCE #120
ARTICLE XVI: OFF-STREET PARKING AND LOADING REQUIREMENTS

- 1602-2 Loading spaces and access thereto shall be surfaced with asphaltic or concrete surfacing if such surfacing is required for parking areas. Loading spaces and access thereto may be surfaced with crushed rock if such surfacing is permitted for parking areas. Surfacing shall be in accordance with engineering standards duly adopted by the Township Board of Trustees.
- 1602-3 Loading areas shall not utilize any area required for parking spaces, access to parking spaces or general vehicular circulation.
- 1602-4 Loading spaces shall be provided as set forth below:

Use	Gross Floor Area (sq. ft.)	Loading & Unloading Spaces	
		10' x 25'	10' x 50'
a. Office Uses	0 - 99,999	1	0
	100,000-150,000	0	1
	150,000 & over	0	2
b. Commercial & Industrial Uses	0 - 4,999	1	0
	5,000-19,999	0	1
	20,000-49,999	0	2
	50,000-79,999	0	3
	80,000-99,999	0	4
	100,000-149,999	0	5
	150,000 & over	0	5
	For each 50,000 over 150,000	0	1

ARTICLE XVII
GENERAL PROVISIONS

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**ARTICLE XVII
GENERAL PROVISIONS**

SECTION 1700. CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

SECTION 1701. SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

SECTION 1702. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

1702-1 **Intent**

It is recognized that there exist within districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such nonconformities are declared by this Ordinance to be incompatible with permitted uses. It is the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. It is further the intent of this Ordinance to permit such legal nonconformities (including but not limited to structures, and uses) to continue until they are removed as provided herein, but not to be re-established once removed.

Moreover, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted in the district involved. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until the completion of

the building involved. The authorization for legal nonconformities to continue shall not apply to structures or uses which were not legal as of the time they were established.

1702-2 **Nonconforming Lots**

Lots and parcels which were created prior to the enactment of this Ordinance or amendments hereto and which do not meet the minimum buildable area, lot area, lot width, and/or lot depth requirements of this Ordinance or amendments hereto may be used without recourse to a variance for a use permitted by right in the district in which they are located, provided that all height, setback, and other dimensional requirements are met. Where conformance to height, setback, and other dimensional requirements would cause practical difficulties, the Board of Zoning Appeals shall issue a variance to permit use of such lots.

Any variance to minimum setbacks for front, side, or rear shall require Board of Zoning Appeals approval.

1702-3 **Nonconforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restricts on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be enlarged or altered in a way which does not increase its nonconformity.
- b. Should such structure be destroyed exclusive of the foundation, by any means to an extent of more than fifty (50) percent of its replacement costs it shall be reconstructed only in conformity with the provisions of this Ordinance.
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

1702-4 **Nonconforming Uses of Structures and Land**

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located unless it has been unintentionally destroyed by any means then it may be reconstructed in the same size at the same location.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use permitted in the same or more

restricted zoning district provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for eighteen (18) consecutive months, the structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision, unless such use(s) are not utilized during a normal seasonal use period.
- f. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- g. Re-establishment of non conforming uses of structures or land that have been discontinued as outlined in 1702-4 (e) may be permitted by the Board of Zoning Appeals where the conflict with surrounding land uses is minimal or the proposed use is consistent with the future land use identified in the township comprehensive plan.

1702-5 **Repairs and Maintenance**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

1702-6 **Uses Under Special Land Use Provisions Not Nonconforming Uses**

Uses approved as special land uses under the terms of this Ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district.

1702-7 **Change of Tenancy or Ownership**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.

1702-8 **Purchase of Condemnation of Nonconforming Uses**

The Township may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the Township. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The Township Board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act No. 149 of the Public Acts of 1911, as amended, being Section 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

SECTION 1703. ACCESSORY BUILDINGS

Accessory Buildings not governed by specific area, height, and placement regulations in the district in which located shall be governed by the area, height, and placement regulations which apply to principal structures.

SECTION 1704. EXTERIOR LIGHTING

- 1704-1 All outdoor lighting in all Zoning Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged so as to reflect lights away from all adjacent residential districts, adjacent residences, or public thoroughfares.
- 1704-2 All outdoor lighting in all Zoning Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
- 1704-3 All lighting used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of motor vehicle operators or pedestrians.
- 1704-4 Illumination of signs shall be directed or shaded so as not to interfere with the vision of motor vehicle operators or pedestrians.
- 1704-5 High intensity lighting may be used to illuminate parking areas and to promote security.
- 1704-6 No illuminated signs or any other outdoor feature shall be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
- 1704-7 Lighting shall be arranged to eliminate conflicts with safe traffic and pedestrian movements.

SECTION 1705. RESIDENTIAL ENTRANCE WAY

In all Residential Districts, entrance way structures including but not limited to walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Section 1706, provided that such entrance way structures shall comply with all codes of the Township, and shall be approved by the Building Inspector and shall have a permit issued therefore.

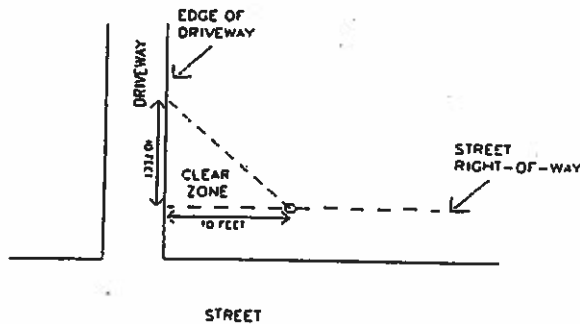
SECTION 1706. CORNER CLEARANCE

When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all fences, walls, berms, shrubbery, signs, or other obstructions to vision located within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular areas shall not be permitted to grow to a height of more than thirty (30) inches above the pavement grade at the edge of the pavement. Signs and required protective screen walls must be installed outside the triangular areas. Portions of required berms located within sight distance triangular areas shall not exceed a height of thirty (30) inches above the pavement grade at the edge of the pavement. Trees may be planted and maintained in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface. Landscaping except grass or ground cover shall not be located closer than three (3) feet from the edge of an access-way pavement.

The triangular areas referred to above are:

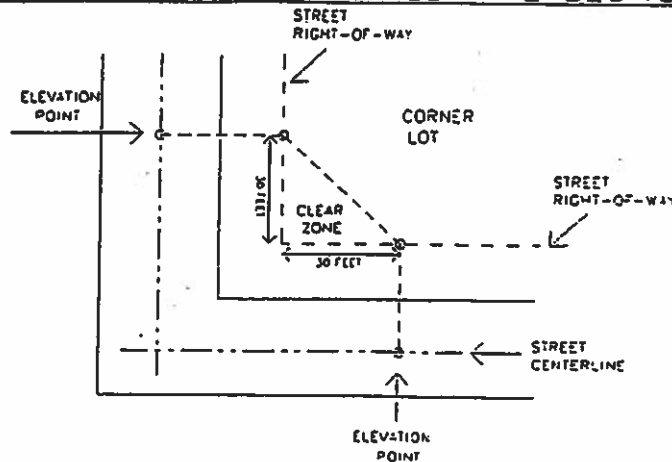
- 1706-1 The area formed at a corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way and driveway line and the third side being a line connecting these two (2) sides.

CLEAR VISION TRIANGLE – DRIVE WAY INTERSECTION



- 1706-2 The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being thirty (30) feet in length measured along the abutting public right-of-way line and the third side being a line connecting these two (2) sides.

CLEAR VISION TRIANGLE – STREET INTERSECTION



SECTION 1707. COMMERCIAL AND RECREATIONAL VEHICLE STORAGE

In all residential zoning districts, the parking or storage of any commercial vehicle with a rated capacity exceeding one (1) ton is prohibited; provided, however, that one (1) such vehicle may be parked or stored within a building. The provisions of this Section shall not prohibit the parking or storage of commercial vehicles in agricultural districts. Recreational vehicles, except those licensed as commercial vehicles, may be parked or kept on any lot or parcel in any residential or agricultural zoning district, subject to the following requirements:

- 1707-1 Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas, or a sanitary sewer, and at no time shall such equipment be used for living, sleeping, or housekeeping purposes.
- 1707-2 Any recreational vehicle not parked or stored in a garage shall be parked or stored in the rear yard, side yard, or unrequired front yard provided that a minimum of three (3) feet of side or rear yard shall be maintained between the vehicle and the side or rear lot line, and except that such vehicles may occupy a front yard for loading and unloading purposes, so long as such location does not obstruct the view of driveways or vehicular and pedestrian traffic of adjoining properties.
- 1707-3 The storage of recreational vehicles on a residential lot or parcel shall be limited to only those vehicles owned by, and licensed or registered to, the occupant of the residential lot or parcel on which the vehicle is stored.

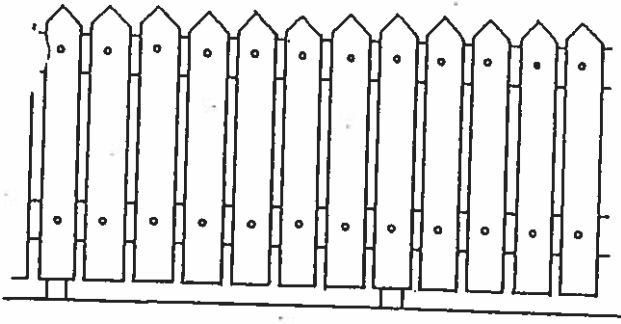
SECTION 1708. RESIDENTIAL FENCES

Fences on property used for residential purposes shall be permitted as follows:

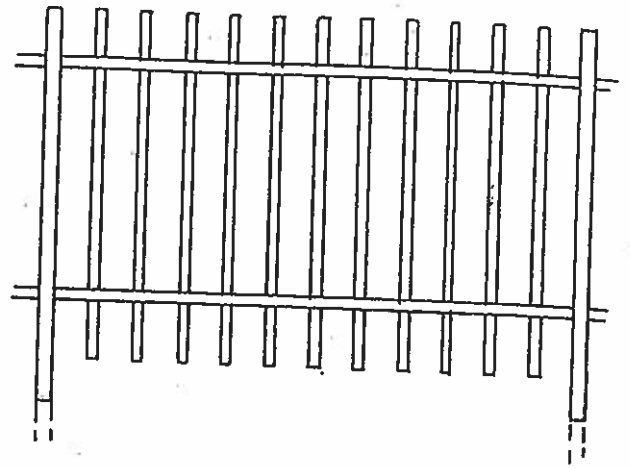
- 1708-1 Fences not exceeding six (6) feet in height shall be permitted within required side and rear yards and all unrequired yards.
- 1708-2 Decorative fences which are less than forty eight (48") in height shall be permitted in required front yards.
- 1708-3 Decorative fences which enclose property and promote visual privacy shall be permitted within all unrequired yard areas.
- 1708-4 Barbed wire, electrically charged, or other similar fences shall not be permitted on property used for residential purposes, except where such fencing is needed to enclose animals permitted under the terms of this Ordinance.
- 1708-5 Except for enclosing animals (as permitted) no fence shall enclose required front yards.
- 1708-6 No fence shall obstruct a driver's view.

SECTION 1709. PERIMETER CONTROLS FOR NONRESIDENTIAL USES

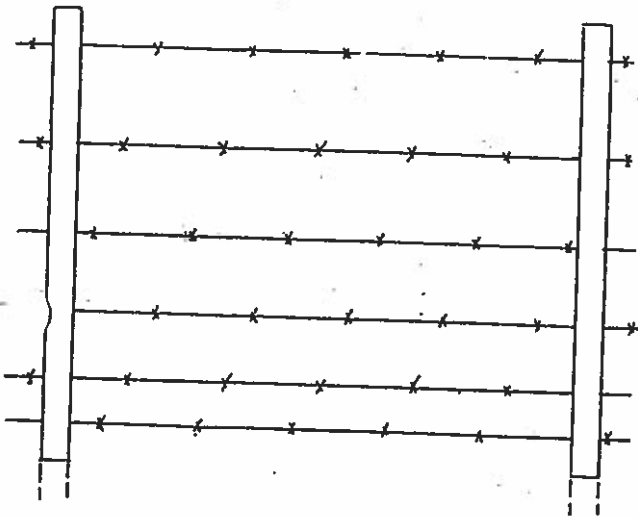
- 1709-1 A six (6) foot high obscuring chain link, wood stockade, or other comparable fence shall be required between business districts and residential districts, and between industrial districts and residential districts. The fence shall be waived by the Planning Commission pursuant to site plan review in locations



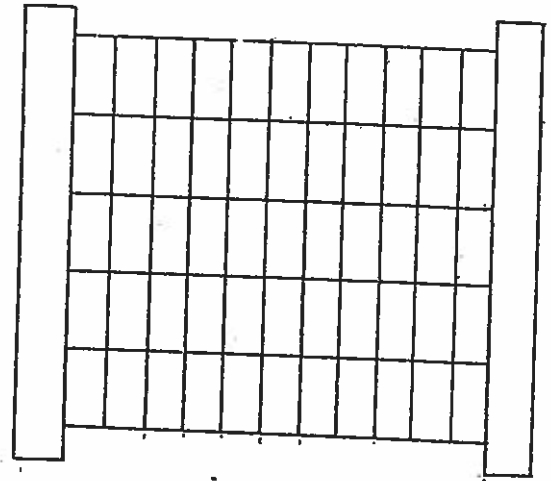
WOOD PICKET FENCE



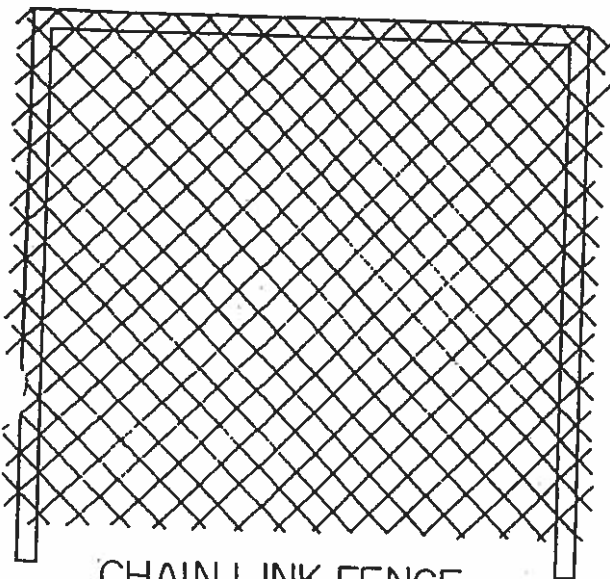
METAL PICKET FENCE



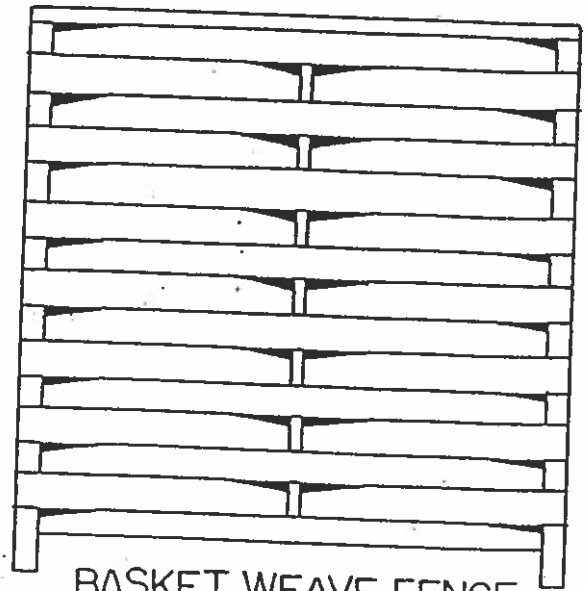
BARBED WIRE FENCE



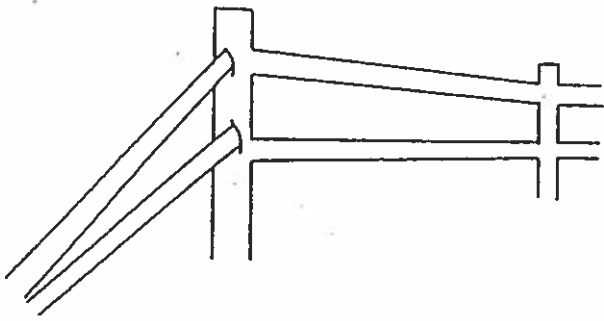
WELD WIRE MESH FENCE



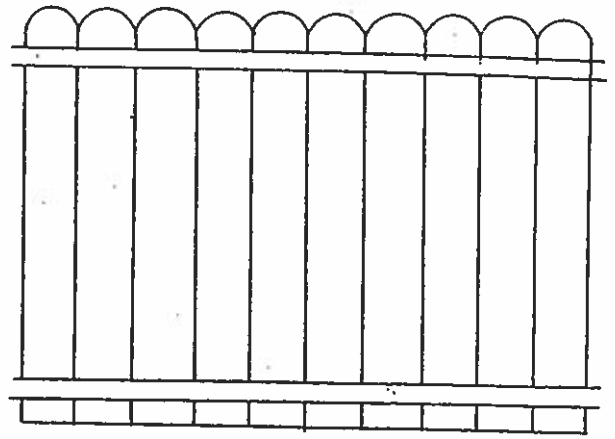
CHAIN LINK FENCE



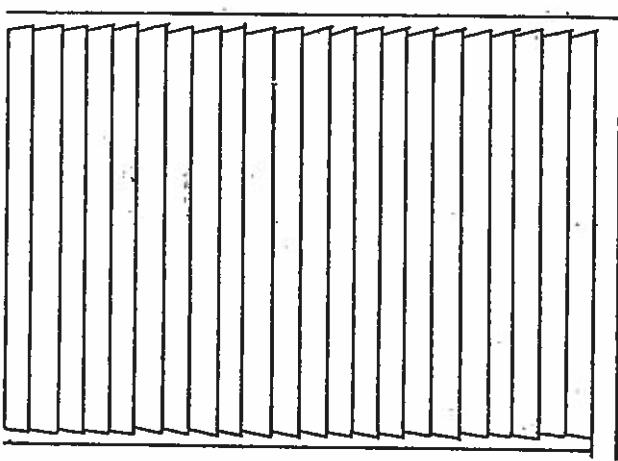
BASKET WEAVE FENCE



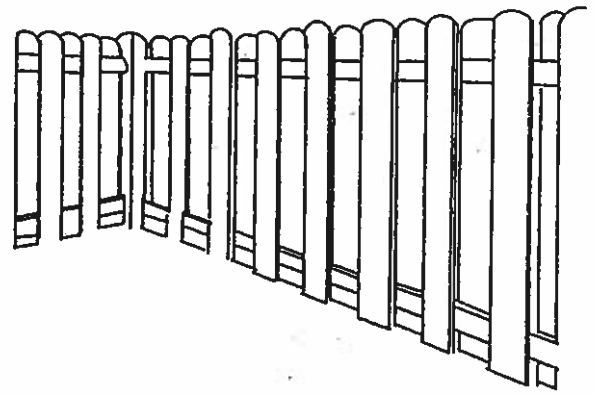
SPLIT RAIL FENCE



SOLID PANEL FENCE



LOUVERED FENCE



BOARD ON BOARD FENCE

where buildings or other structures serve the same purpose. The fence may be located on business and industrial property lines or may be set back from property lines.

- 1709-2 Obscuring chain link, wood stockade, and other comparable fences, including barbed wire crowns, may be permitted for any use for which site plan approval is required, subject to a Planning Commission finding that such a fence is necessary to protect said use from potentially harmful unauthorized encroachment.
- 1709-3 Chain link, wood stockade, and other comparable fences, including barbed wire crowns, shall be permitted in agricultural districts for the purpose of enclosing livestock and cultivated areas.

SECTION 1710. INTERPRETATION OF USE LISTS

Land uses which are not contained by name in a zoning district list of uses permitted by right, special land uses, or permitted accessory uses may be permitted upon a finding by the Board of Zoning Appeals that such uses are clearly similar in nature and compatible with the listed uses for that district. In making such a finding, the Board of Zoning Appeals shall consider specific characteristics of the use in question and compare such characteristics with the characteristics of uses expressly permitted in the district. Such characteristics shall include, but not be limited to, daily traffic generation, types of merchandise or service provided, types of goods produced, expected hours of operation, and esthetic characteristics. The Board of Zoning Appeals shall determine whether such uses shall be permitted by right, special land uses, or permitted as accessory uses. The Board of Zoning Appeals shall have the authority to establish general standards and conditions under which a use may be included in a district under the terms of this Section. No use shall be permitted in a district under the terms of the Section if said use is specifically listed as a use permitted by right or as a special land use in any other district. A record shall be kept of all uses, conditions, and standards which are approved under the terms of this Section and once a specific use has been permitted, said type of use may be established within the district subject to any pertinent conditions and standards without further recourse to the procedures of this Section.

SECTION 1711. SWIMMING POOLS

Swimming pools shall be subject to the following regulations:

- 1711-1 Any swimming pool and its enclosing fence shall at least meet the minimum setbacks required of accessory structures.
- 1711-2 There shall be a distance of not less than ten (10) feet between the outside pool wall and any building located on the same lot.
- 1711-3 No swimming pool shall be located less than thirty-five (35) feet from any front lot line or any existing dwelling unit on abutting property.
- 1711-4 No swimming pool shall be located in an easement.
- 1711-5 For the protection of the general public, all areas containing swimming pools shall be completely enclosed by a fence or an approved structure providing equal protection not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not

readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods.

SECTION 1712. ENVIRONMENTALLY SENSITIVE AREA REGULATIONS

1712-1 Intent

The environmentally sensitive area regulations contained in this Section are intended to protect environmentally sensitive natural resources; from unnecessary developmental encroachment. Environmentally sensitive areas are found throughout the township.

1712-2 Definition of Environmentally Sensitive Areas

Environmentally sensitive areas are hereby defined as any of the following:

- a. Lake margins, which are defined as:
 1. The areas between the existing water and any known or recorded high water lines, and
 2. All areas of marsh extension of lakes.
- b. Stream valley flood plain areas, including:
 1. Areas of recorded flooding, and
 2. Areas of stream erosion or fill as evidenced by cut banks, scroll flats, natural levees and back swamps, or similar geological features.
- c. Permanent marsh and swamp areas, as indicated by water at or near the surface, and transitions in natural vegetation.
- d. High water table areas, as indicated by the hydration of iron and aluminum oxides (presence of limonite or blue or gray wet sands or clays) within five (5) feet of the surface.
- e. Steep land areas, which are defined as:
 1. Any slope in excess of twelve (12) percent in any industrial, business, multiple-family, mobile home, or single family residential district.
 2. Any slope in excess of sixty (60) percent in any district other than those listed above.
 3. Any area of observed land slip or flow, regardless of slope.

SECTION 1713. SATELLITE DISH ANTENNAS

Satellite dish antennas shall be treated as accessory structures and shall be subject to the setback requirements for accessory structures.

SECTION 1714. OUTDOOR STORAGE ON RESIDENTIAL PROPERTY

Outdoor storage on parcels zoned SR, SRM, or MH used for residential purposes, not including farmsteads, shall be limited to domestic equipment and supplies of no more amount than shall be normal for domestic purposes and necessary for the family or families residing on the property. Such storage shall not be permitted in any required or unrequired front yard, nor in any required side yard. Such storage shall be permitted in unrequired side yards when completely screened from view by a fence or landscaping.

SECTION 1715. CONDOMINIUM DEVELOPMENTS

1715-1 Pursuant to authority conferred by section 141 of the condominium act, (MCLA 559.241), Public Act 59 of 1978, as amended, all condominium developments must be approved by the Richfield Township Planning Commission, including expansion or conversion of existing condominiums.

1715-2 Fees:

Fees for the review of condominiums shall be established from time to time by resolution by the Richfield Township Board.

1715-3 Zoning Compliance:

All condominiums, and structures herein shall comply with all the use, size, sign, height, area and setback regulations of the zoning district in which the subdivision is located unless modified through the development of planned unit development. In a site condominium development, as defined in this ordinance, each condominium unit and any limited common area specifically reserved for that unit shall be treated as a lot for the purposes of meeting ordinance requirements for lot width, lot area and setbacks.

1715-4 Condominium review and approval procedures.

Application for review and approval of site condominiums shall be made pursuant to the approval procedures outlined for planned unit developments, if applicable, and site plan review.

1715-5 Site condominium subdivision review application required information.

A person, firm or corporation shall provide the following information with respect to the project:

- a. Information as required under the site plan review provisions of this ordinance.
- b. Location and size of condominium units, density of residential dwelling unit, limited common areas, general common areas, sidewalks, landscaping features, signs and utilities.
- c. Street and utility specifications and sectional diagrams.
 1. All public streets shall comply with the requirements of the County Road Commission.
 2. A copy of the proposed master deed and restrictions.

1715-6 Survey requirements; monuments: for every site condominium as defined in this ordinance there shall be a survey complying with the requirements of this section.

- a. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- b. All monuments used shall be made of solid iron or steel at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
- c. Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
- d. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
- e. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 1/2 inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
- f. All required monuments shall be placed flush with the ground where practicable.
- g. The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a lot under this ordinance shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch diameter, or other approved markers.
- h. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the township clerk cash or a certified check, or irrevocable bank letter of credit running to the township, whichever the proprietor selects, in an amount not less than \$100.00 per monument and not less than 400.00 in total, except that lot corner markers shall be at the rate of not less than \$25.00 per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults the township shall promptly require a surveyor to locate the monuments and markers in the grounds as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

SECTION 1716. ONE FAMILY DWELLING REGULATIONS

A one family dwelling and any additions or alterations, thereto, erected or placed in the township, other than mobile homes located in a licensed mobile home park, shall conform to the following regulations in addition to all other regulations of this ordinance:

- 1716-1 It shall comply with all pertinent building, construction and fire codes for single family dwellings.

- 1716-2 It shall be firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings.
- 1716-3 It shall be connected to a public sewer and water supply, if available, or if not available, to private facilities approved by the Genesee County Health Department.

SECTION 1717. WETLANDS

Any property owner seeking to develop land which contains a wetland regulated by the Goemaere Anderson Wetland Act, PA 203 of 1979, must present a MDEQ wetland permit before permits for development will be issued by the township, if that development will affect the regulated wetland. If it is unclear if the development will affect a regulated wetland, then the township may require the applicant to have an analysis by the MDEQ or a qualified wetland specialist to make that determination.

**ARTICLE XVIII
GENERAL EXCEPTIONS**

<u>SECTION 1800. AREA, HEIGHT, AND USE EXCEPTIONS</u>	18.1
<u>SECTION 1801. VOTING PLACE</u>	18.1
<u>SECTION 1802. HEIGHT LIMIT</u>	18.1
<u>SECTION 1803. LOTS ADJOINING ALLEYS</u>	18.1
<u>SECTION 1804. PROJECTIONS INTO REQUIRED YARDS</u>	18.1
<u>SECTION 1805. ACCESS THROUGH YARDS</u>	18.2
<u>SECTION 1806. CONSTRUCTION FACILITIES</u>	18.2
<u>SECTION 1807. PRIVATE BURIAL GROUNDS</u>	18.2

**ARTICLE XVIII
GENERAL EXCEPTIONS**

SECTION 1800. AREA, HEIGHT, AND USE EXCEPTIONS

The regulations in this Ordinance shall be subject to the interpretations and exceptions set forth in this Article.

SECTION 1801. VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

SECTION 1802. HEIGHT LIMIT

The height limitations of this Ordinance shall not apply to chimneys, church spires, flag poles, public monuments provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires site plan approval.

Antennas and windmills, other than those listed in section 1801, in agricultural and residential districts may be constructed to a height of fifty (50) feet provided the structure is located so that the base of the structure is no closer to any property line than the height of the structure. No such structure shall be placed in a required front yard.

SECTION 1803. LOTS ADJOINING ALLEYS

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area and setback requirements of this Ordinance, one-half (½) the width of such alley abutting the lot shall be considered as part of such lot.

SECTION 1804. PROJECTIONS INTO REQUIRED YARDS

- 1804-1 Uncovered terraces, patios, and porches will be permitted in required front and rear yards providing that any paved area which is without a roof or without walls or other form of solid enclosure, shall be subject to the following restrictions:
- a. The highest finished elevation of the paved area shall not be over three (3) feet above the average surrounding finished grade;
 - b. No portion of the paved area shall be closer than four (4) feet from any lot line.
- 1804-2 Fire escapes, outside stairways, and balconies of open construction may project into a required yard, up to a maximum of five (5) feet.
- 1804-3 Architectural features such as roof overhangs and bay windows, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for

each one (1) foot of width of such side yard to a maximum of three (3) feet; and may extend or project into a required front yard or rear yard not more than three (3) feet.

SECTION 1805. ACCESS THROUGH YARDS

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations.

SECTION 1806. CONSTRUCTION FACILITIES

Construction trailers and similar temporary structures used as offices and for storage by contractors and other construction personnel shall be permitted. Use of said structures shall be restricted to construction activities related to the site or development on which they are located.

SECTION 1807. PRIVATE BURIAL GROUNDS

Private burial grounds shall be permitted in RRA, SRA and SR Districts as uses accessory to agricultural and residential uses subject to section 1104-b and any applicable state regulations.

**ARTICLE XIX
ADMINISTRATION AND ENFORCEMENT**

SECTION 1900. ENFORCEMENT **19.1**

SECTION 1901. PLOT PLAN **19.1**

SECTION 1902. FEES **19.1**

**ARTICLE XIX
ADMINISTRATION AND ENFORCEMENT**

SECTION 1900. ENFORCEMENT AND DUTIES OF ZONING ORDINANCE ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator .

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his or her duties.

SECTION 1901. PLOT PLAN

The Zoning Administrator shall require that all applications for uses not covered in ARTICLE XIII shall be accompanied by plans and specifications including plot plan information as hereinafter required.

- 1901-1 The actual shape, location, and dimensions of the lot.
- 1901-2 The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
- 1901-3 The location of drives, parking lots, access ways, easements, septic tanks, drain fields, water bodies, and water courses.
- 1901-4 The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
- 1901-5 Such additional information as may be required to review the application for conformance with this Ordinance and to determine that the provisions of ARTICLE XIII are not applicable.
- 1901-6 All plans shall be drawn to an appropriate scale.

SECTION 1902. FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance. In addition, prior to the issuance of a building permit, the applicant shall file with the Clerk a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township. The amount of such guarantee shall cover all improvements not normally covered in the building permit, i.e., berms, walls, landscaping, lighting, surfacing of drives, parking, service drives, traffic control devices within the jurisdiction of the Township, reclamation, and other improvements. The guarantee shall include a schedule of costs assigned to the different improvements and approved by the Planning Commission pursuant to site plan approval or special land use approval. Monies may be released to the applicant after the Zoning Administrator has inspected the work covered by the guarantee, and the Planning Commission has approved the Building Inspector's certification of the proportion of the work completed. The amount of

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ARTICLE XIX: ADMINISTRATION AND ENFORCEMENT

money released shall be in proportion to the amount of work completed less ten (10) percent. The final ten (10) percent shall be released within six (6) months of completion of all work covered by the guarantee, provided all terms of this Ordinance are complied with.

**ARTICLE XX
BOARD OF ZONING APPEALS**

<u>SECTION 2000. CREATION AND MEMBERSHIP</u>	20.1
<u>SECTION 2001. MEETINGS</u>	20.2
<u>SECTION 2002. FEES</u>	20.2
<u>SECTION 2003. JURISDICTION AND STANDARDS</u>	20.2
<u>SECTION 2004. ORDERS</u>	20.3
<u>SECTION 2005. NOTICE</u>	20.4
<u>SECTION 2006. MISCELLANEOUS</u>	20.4

ARTICLE XX
BOARD OF ZONING APPEALS

SECTION 2000. CREATION AND MEMBERSHIP

There is hereby established a Board of Zoning Appeals, which shall perform such duties and exercise such powers as set forth herein. The Board of Zoning Appeals shall consist of at least five (5) members, appointed by the Township Board, as follows:

- 2000-1 The first member shall be a member of the Planning Commission.
- 2000-2 The remaining members shall be electors of the Township residing outside of incorporated cities and villages, and shall be representative of the population distribution and of the various interests present in the Township.
- 2000-3 Of the remaining members, one shall be a member of the Township Board.

No employee or contractor of the Township Board may be a member or employee of the Board of Zoning Appeals.

No elected officer of the Township may serve as chairman of the Board of Zoning Appeals.

The total amount allowed the Board of Zoning Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be determined by the Township Board and appropriated annually in advance by the Township Board.

Members of the Board of Zoning Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

The term of each member shall be for three (3) years, except that of the members first appointed, two (2) shall serve for one (1) year, three (3) shall serve for two (2) years, and two (2) shall serve for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

The Board of Zoning Appeals shall not conduct business unless a majority of the members of the Board are present.

The Township Board may appoint up to two (2) alternate members of the Board of Zoning Appeals, under the same terms as regular members. The alternate member may be called to sit as a regular member in the absence of a regular member who is unable to attend for 2 or more consecutive meetings or for more than 30 consecutive days. The alternate may also be called to sit when a regular member abstains due to conflict of interest. The alternate member shall sit on a case until a final decision is made.

SECTION 2001. MEETINGS

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such times as the Board in its rules of procedure may specify. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township clerk and shall be a public record.

The Chairman of the Board of Zoning Appeals or in his absence the Acting Chairman shall have the power to compel the attendance of witnesses and administer oaths.

SECTION 2002. FEES

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Zoning Appeals. At the time the notice for appeal is filed said fee shall be paid to the Secretary of the Board of Zoning Appeals, which the Secretary shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township.

SECTION 2003. JURISDICTION AND STANDARDS

2003-1 Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official or body in carrying out or enforcing any provisions of this Ordinance. The Board of Zoning Appeals shall have the power to hear and decide appeals pertaining to special land uses.

2003-2 Appeal

An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by an officer, department, board or bureau affected by a decision of the zoning administrator or Planning Commission or any other official or body charged with the administration of this ordinance. Appeal shall be taken within 30 days of issuance of the decision by the official or body, by filing with the zoning administrator or other administrative official or body from whom the appeal is taken, and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The zoning administrator, Planning Commission, or other administrative official or body from whom the appeal is taken shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator, Planning Commission, or other administrative official or body from whom the appeal is taken certifies to the Board of Zoning Appeals after notice of appeal has been filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

2003-3 Variance

- a. Variances shall be classified as either use variances or dimensional variances. A use variance shall be: any variance which permits a use not specifically permitted by this Ordinance for the district in which it is located. Any other variance shall be a dimensional variance.
- b. Dimensional variances shall be approved only upon a Board of Zoning Appeals finding that strict application of the regulations would result in practical difficulties to the owner of such property. Such a finding shall be made only when all of the following criteria are met:
 1. Exceptional characteristics of property for which the variance is sought make compliance with dimensional requirements unnecessarily burdensome or would unreasonably prevent the owner from using the property.
 2. The characteristics, which make compliance with dimensional requirements difficult, must be related to unique characteristics of the property.
 4. The characteristics, which make compliance with dimensional requirements difficult, must not have been created by the current or a previous owner.
 5. The proposed variance would do substantial justice to the applicant as well as other property owners in the district and will be the minimum necessary, and no variance shall be granted where a different solution not requiring a variance would be possible.
- c. The Board of Zoning Appeals must insure in issuing a variance that the spirit of the ordinance is observed, public safety secured and substantial justice done.
- d. Any variance which authorizes construction contrary to the requirements of this Ordinance shall be void unless the construction so authorized is commenced within twenty-four (12) months of the granting of the variance and diligently pursued until completion.

2003-4 Ordinance Interpretation

To interpret the language and map of this Ordinance.

SECTION 2004. ORDERS

In exercising the above powers, the Board of Zoning Appeals may reverse or affirm wholly or partly, or may modify the orders, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator or Building Inspector or other body charged with the administration of this Ordinance from whom the appeal is taken.

The majority vote of the total regular membership of the Board of Zoning Appeals shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

The Board of Zoning Appeals may impose conditions with an affirmative decision. The conditions may include conditions necessary to insure that the public services and facilities affected by a proposed variance will be capable of accommodating any increased service and facility loads caused by the variance to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- 2004-1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- 2004-2 Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
- 2004-3 Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a variance shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Board of Zoning Appeals and the landowner. The Board of Zoning Appeals shall maintain a record of conditions which are changed.

SECTION 2005. NOTICE

Notice of matters coming before the Board of Zoning Appeals shall be given in the same manner and with the same time frames as notice for special land uses. If the Board of Zoning Appeals determines the need in a specific case to notify additional parties, they shall be notified as well.

SECTION 2006. MISCELLANEOUS

No order of the Board of Zoning Appeals permitting the erection of a building shall be valid for a period longer than twenty-four (24) months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a period longer than twelve (12) months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

The reason(s) utilized as a basis for making any decision shall be stated in the minutes of the Board of Zoning Appeals.

If a variance which is granted is not utilized within twelve (12) months of its granting, the variance shall be considered null and void and an application must be re-submitted if it is desired at a future date. A variance that is legally utilized and maintained runs with the property and any subsequent owners who legally continue the variance under its original or amended terms.

ARTICLE XXI
PLANNING COMMISSION

<u>SECTION 2100. AMENDMENT TO ZONING ORDINANCE TEXT OR MAP</u>	<u>21.1</u>
<u>SECTION 2101. SPECIAL USE PERMITS</u>	<u>21.1</u>
<u>SECTION 2102. SITE PLANS</u>	<u>21.1</u>

**ARTICLE XXI
PLANNING COMMISSION**

The Planning Commission is hereby designated as the Commission specified in Section 11 of Act 168 of Public Acts of 1959, and shall perform the zoning duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

SECTION 2100. AMENDMENT TO ZONING ORDINANCE TEXT OR MAP

The Planning Commission shall conduct a public hearing on requests to amend the zoning map, (i.e.: rezoning) or the zoning ordinance text. The public hearing will be held as required in Article XXII following the public hearing the Planning Commission will submit their recommendations on the request, including their reasons, to the Township Board, in the form of a written report.

The Planning Commission may initiate an amendment to the zoning ordinance map or text.

SECTION 2101. SPECIAL USE PERMITS

The Planning Commission shall conduct a public hearing on requests for special use permits, following the requirements in Article XI. Following the public hearing, the Planning Commission shall approve, approve with conditions or deny the application, stating their reasons for doing so.

SECTION 2102. SITE PLANS

The Planning Commissions shall review all site plans submitted to it following the requirements in Article XIV and shall approve, approved with conditions or deny the site plan, stating their reasons for doing so.

**ARTICLE XXII
CHANGES AND AMENDMENTS**

<u>SECTION 2200. SUBMITTAL TO PLANNING COMMISSION</u>	22.1
<u>SECTION 2201. APPLICATION TO TOWNSHIP BOARD</u>	22.1
<u>SECTION 2202. PUBLIC HEARING</u>	22.1
<u>SECTION 2203. TOWNSHIP BOARD ACTION</u>	22.1

**ARTICLE XXII
CHANGES AND AMENDMENTS**

SECTION 2200. SUBMITTAL TO PLANNING COMMISSION

In accordance with the provisions of act 184 of the public acts of 1943, as amended, the Township Board of the Richfield Township may from time to time amend, or change by ordinance, the number, shape or area of districts established on the zoning map or the regulations set forth in the ordinance; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall first be submitted to the Township Planning Commission for approval, disapproval or suggestions.

SECTION 2201. APPLICATION TO TOWNSHIP BOARD

Any person or persons desiring a change in the Township Zoning Ordinance text or map shall make application to the Township Clerk. In case of a zoning ordinance text amendment, a letter shall be submitted which shall contain the requested change and the reason for such change; in case of a desired zoning map change a petition shall be submitted which shall describe the property involved, the zone change desired and the reason for such change. With either type of request there shall be an accompanying fee, based on a fee schedule to be established by the Township Board.

SECTION 2202. PUBLIC HEARING

The Township Clerk shall refer all township applications for a change in the zoning ordinance text or map to the Township Planning Commission. The Planning Commission shall conduct a public hearing on the proposed amendment or change after publication twice in an official paper or a paper of general circulation in Richfield Township, the first not more than 30 days or less than 20 days prior to the hearing and the second not more than 8 days prior to the hearing and by certified United States mail to each public utility company and railroad company within the township that requires notification not less than 20 days prior to the hearing and in case of a proposed zoning map change to all property owners and residents within three hundred (300) feet of the boundaries of the property proposed to be changed not less than 8 days prior to the hearing. All public notices (including publication in the newspaper and letter) shall state the time and place of hearing, the proposed amendment, in case of an ordinance text change, and the description and proposed zone changes. Affidavits of all notice mailings shall be filed with the Planning Commission prior to the public hearing.

The Planning Commission shall make a recommendation on approval of the request, including the reasons for their recommendation. This recommendation and a summary of the comments submitted at the public hearing shall be included in a report that shall be transmitted to the Township Board.

SECTION 2203. TOWNSHIP BOARD ACTION

- 2203-1 After receiving the recommendation and report of the Township Planning Commission, the Township Board may hold additional public hearings if it wishes. If the Township Board holds a public hearing on the proposed zoning amendment it shall publish a notice not more than 15 or less than 5 days prior to the hearing. If the Township Board proposes changes to the amendment as received from the Planning Commission, it shall refer the changes back to

the Planning Commission for their recommendation along with a deadline for their comments to be sent back to the Township Board.

- 2203-2 If the Township Board receives a request by certified mail from a property owner regarding an amendment, they shall hold a hearing, with the Planning Commission in attendance to discuss the property owners concern. Such a hearing shall not be a general public hearing. The Township Board may limit public input to the property owner requesting the hearing.
- 2203-3 Adoption of the zoning ordinance amendment requires approval of a majority of the membership of the Township Board.

ARTICLE XXIII REPEAL OF PRIOR ORDINANCE	23.1
ARTICLE XXIV INTERPRETATION	23.1
ARTICLE XXV VESTED RIGHT	23.1
ARTICLE XXVI ENFORCEMENT, PENALTIES AND OTHER REMEDIES	23.1
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<u>SECTION 2601. PUBLIC NUISANCE PER SE</u>	<u>23.2</u>
<u>SECTION 2602. FINES, IMPRISONMENT</u>	<u>23.2</u>
<u>SECTION 2603. EACH DAY A SEPARATE OFFENSE</u>	<u>23.2</u>
<u>SECTION 2604. RIGHTS AND REMEDIES ARE CUMULATIVE</u>	<u>23.2</u>
ARTICLE XXVII SEVERANCE CLAUSE	23.2
ARTICLE XXVIII EFFECTIVE DATE	23.3

**ARTICLE XXIII
REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance, adopted by the Township of Richfield known as Ordinance No. 100, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

**ARTICLE XXIV
INTERPRETATION**

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.

**ARTICLE XXV
VESTED RIGHT**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular district, zoning classification, or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

**ARTICLE XXVI
ENFORCEMENT, PENALTIES
AND OTHER REMEDIES**

SECTION 2600. VIOLATIONS

Any person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Building Inspector, Zoning Administrator, Board of Appeals, or the Township Board issued in pursuance of this Ordinance shall be guilty of a municipal civil infraction as defined in Township Ordinance No. 95, and shall be subject to the procedures and penalties outlined in that ordinance for municipal civil infractions. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

SECTION 2601. PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 2602. FINES, IMPRISONMENT

The owner of any building, structure, or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

SECTION 2603. EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 2604. RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**ARTICLE XXVII
SEVERANCE CLAUSE**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

**ARTICLE XXVIII
EFFECTIVE DATE**

Public hearing having been held hereon, the provisions of this Ordinance are hereby given immediate effect from and after the date of its passage by the Township Board and subsequent publication as required by law.

Made and passed by the Township Board of the Township of Richfield, Genesee County, Michigan on this 12th day of September, 2000, A.D.

1. Date of Public Hearing: September 5, 2000
2. Date of Publication: September 20, 2000
3. Date of Adoption by Township Board: September 12, 2000
4. Date Ordinance Shall Take Effect: October 20, 2000



James Jacques, Supervisor



Lisa Holmes, Clerk

RICHFIELD TOWNSHIP ORDINANCE NO. 120-A

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described property is changed from SRA (Suburban Residential Agricultural) District to SRM (Suburban Residential Multiple-Family) District.

16-28-400-018: A parcel of land beg at S ¼ cor of sec th N 0 deg 36 min 06 sec E 1083.99 ft th N 88 deg 04 min 18 sec E 92.97 ft th S 31 deg 32 min 06 sec E 121.45 ft th S 20 deg 45 min 42 sec E 892.37 ft th S 33 deg 28 min 03 sec E 97.03 ft th S 01 deg 56 min 03 sec E 50 ft th S 88 deg 03 min 57 sec W 539.65 ft to pl of beg. Sec 28 T8N R8E 8.10+/- A

and

Zoning of the following described property is changed from SR (Suburban Residential) District to SRM (Suburban Residential Multiple-Family) District.

Part of 16-28-400-016: A parcel of land beg at the SE cor of sec th S 88 deg 03 min 57 sec W 700 ft to point of beg of parcel being described th S 88 deg 03 min 57 sec W 1373.30 ft th N 01 deg 56 min 03 sec W 50 ft th N 33 deg 28 min 03 sec W 97.03 ft th N 20 deg 45 min 42 sec W 892.37 ft th N 31 deg 32 min 06 sec W 121.45 ft th N 88 deg 04 min 18 sec E 1756.99 ft th N 88 deg 48 min 15 sec E 386.60 ft th S 00 deg 49 min 38 sec W 689.35 ft th S 68 deg 55 min 20 sec W 224.77 ft th S 88 deg 03 min 57 sec W 110.80 ft th S 00 deg 49 min 22 sec W 315.87 ft to pl of beg. Sec 28 T8N R8E 44.93 A +/-

SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

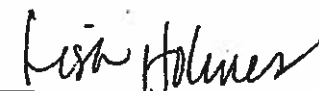
SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


Jim Jacques, Supervisor


Lisa Holmes, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 10th day of October, 2000.


Lisa Holmes, Clerk

Publication Date: October 18, 2000

Effective Date: November 17, 2000

RICHFIELD TOWNSHIP ORDINANCE NO. 120-B

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described property is changed from SRM (Suburban Residential Multiple-family) District to RRA (Rural Residential Agricultural) District.

Part of 16-15-300-004: A parcel of land beg 22 rds E of the SW cor of Sec th N 20 rds th E 264 ft th S 20 rds th W 264 ft to pl of beg. Sec 15, T8N R8E

SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


Jim Jacques, Supervisor


Lisa Holmes, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 14th day of November, 2000.


Lisa Holmes, Clerk

Publication Date: November 22, 2000

Effective Date: December 22, 2000

RICHFIELD TOWNSHIP ORDINANCE NO. 120-C

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described property is changed from SRA (Suburban Residential Agricultural) District to CB (Commercial Business) District.

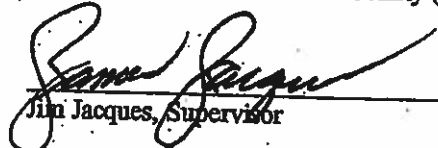
Part of 16-33-400-016: A parcel of land beg N 02 deg 50 min 00 sec E 1327.90 ft from the SE cor of sec th N 88 deg 36 min 32 sec W 655.22 ft th N 02 deg 52 min 07 sec E 1300.71 ft th S 89 deg 18 min 49 sec E 374.17 ft th S 02 deg 50 min 00 sec W 155.50 ft th S 89 deg 18 min 49 sec E 280.50 ft th S 02 deg 50 min 00 sec W 1153.23 ft to place of beg. Sec 33, T8N R8E. 18.61 A +/-

SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


Jim Jacques, Supervisor


Lisa Holmes, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 14th day of December, 2000.


Lisa Holmes, Clerk

Publication Date: December 20, 2000

Effective Date: January 19, 2001

RICHFIELD TOWNSHIP ORDINANCE NO. 120-D

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described property is changed from SRA (Suburban Residential Agricultural) District to SRM (Suburban Residential Multiple Family) District.

16-28-400-002: A PARCEL OF LAND BEG S 0 DEG 18 MIN 31 SEC W 367.21 FT FROM E 1/4 COR OF SEC, TH S 0 DEG 18 MIN 31 SEC W 250.10 FT TH N 89 DEG 41 MIN 29 SEC W 330 FT TH S 0 DEG 18 MIN 31 SEC W 467.66 FT TH S 88 DEG 13 MIN 55 SEC W 471.85 FT TH N 5 DEG 13 MIN 59 SEC W 809.21 FT TH N 35 DEG 57 MIN 11 SEC E 75.26 FT TH N 77 DEG 08 MIN 21 SEC E 519.27 FT TH S 0 DEG 18 MIN 31 SEC W 250 FT TH S 89 DEG 41 MIN 29 SEC E 330 FT TO PLACE OF BEG SEC 28 T8N R8E 12.66 A (90)

and

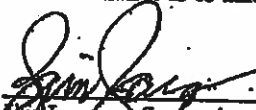
16-28-400-011: A PARCEL OF LAND BEG S 0 DEG 18 MIN 31 SEC W 617.31 FT FROM E 1/4 COR OF SEC TH S 0 DEG 18 MIN 31 SEC W 179.20 FT TH N 89 DEG 41 MIN 29 SEC W 330 FT TH N 0 DEG 18 MIN 31 SEC E 179.20 FT TH S 89 DEG 41 MIN 29 SEC E 330 FT TO PLACE OF BEG SEC 28 T8N R8E 1.36 A (90)


SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

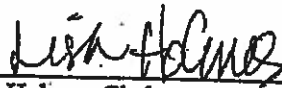
SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


Jim Jacques, Supervisor


Lisa Holmes, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 14th day of May, 2002.


Lisa Holmes, Clerk

Publication Date: May 22, 2002

Effective Date: June 21, 2002

RICHFIELD TOWNSHIP ORDINANCE NO. 120-E

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000, and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described property is changed from CB (Commercial Business) District to SRA (Suburban Residential Agricultural) District.

Part of 16-33-400-021: Also a parcel of land being part of the Southeast ¼ of Section 33, T8N-R8E, Richfield Township, Genesee County, Michigan more particularly described as: Commencing at the East ¼ corner of Section 33; thence S02°50'00"W along said East line of Section 33 a distance of 159.43 feet to the POINT OF BEGINNING of this description; thence continuing along said East line of Section S02°50'00"W 33.21 feet; thence N89°78'49"W 280.50 feet; thence N02°50'00"E parallel with said East line of Section 33.21 feet; thence S89°78'49"E 280.50 feet to the point of beginning. Containing 0.21 acres of land and being subject to that part now used as State (M-15) Road so-called.

SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


Jim Jacques, Supervisor


Lisa Holmes, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 14th day of January, 2003.


Lisa Holmes, Clerk

Publication Date: January 22, 2003

Effective Date: February 21, 2003

RICHFIELD TOWNSHIP ORDINANCE NO. 120-F

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described property is changed from SRM (Suburban Residential Multiple-Family) District to SR (Suburban Residential) District.

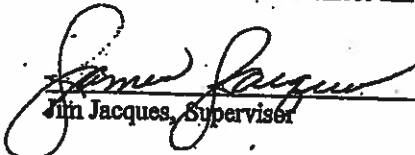
Part of 16-28-400-019: A PARCEL OF LAND BEG S 88 DEG 03 MIN 57 SEC W 700 FT FROM SE COR OF SEC TH S 88 DEG 03 MIN 57 SEC W 1372.29 FT TH N 01 DEG 56 MIN 03 SEC W 50 FT TH N 33 DEG 28 MIN 03 SEC W 97.03 FT & N 20 DEG 45 MIN 42 SEC W 892.37 FT & N 31 DEG 32 MIN 06 SEC W 121.45 FT TH N 88 DEG 04 MIN 18 SEC E 1756.99 FT & N 88 DEG 48 MIN 16 SEC E 386.60 FT TH S 0 DEG 49 MIN 38 SEC W 689.35 FT TH S 68 DEG 55 MIN 20 SEC E 224.77 FT TH S 88 DEG 03 MIN 57 SEC W 110.80 FT TH S 0 DEG 49 MIN 22 SEC W 315.87 FT TO PL. OF BEG SEC 28 T8N R8E 44.73 A (01) FR 16-28-400-016

SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


John Jacques, Supervisor


Lisa Holmes, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 9th day of March, 2004.


Lisa Holmes, Clerk

Publication Date: March 17, 2004

Effective Date: April 16, 2004

RICHFIELD TOWNSHIP ORDINANCE NO. 120-G

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described property is changed from SRA (Suburban Residential Agricultural) District to SR (Suburban Residential) District.

16-33-300-014: A parcel of land beg E 1465.49 ft from SW corner of Sec th N 01 deg 21 min 51 sec E 350 ft th W 150 ft th N 01 deg 22 min 09 sec E 2276.37 ft th N 89 deg 29 min 46 sec E 509.34 ft th S 01 deg 36 min 54 sec W 1517.36 ft th S 89 deg 58 min 20 sec E 97.2 ft th S 02 deg 28 min 41 sec W 850 ft th W 200 ft th S 02 deg 28 min 40 sec W 264.34 ft th W 228.34 ft to pl of beg Sec 33 T8N R8E 30.23 A (95) FR 1633300013 & 1633300001

SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


James Jacques, Supervisor


Lisa Holmes, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 29th day of June, 2004.


Lisa Holmes, Clerk

Publication Date: July 7, 2004

Effective Date: August 6, 2004

RICHFIELD TOWNSHIP ORDINANCE NO. 120-H

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described property is changed from SRA (Suburban Residential Agricultural) District to SR (Suburban Residential) District.

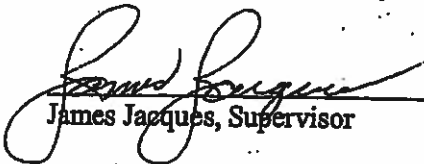
16-33-400-011: W ½ of SE ¼ except N 350 ft & W ½ of E ½ of SE ¼ except E 36 rds of S 20 rds Sec 33 T8N R8E 104.9 A (95) Fr 1633200001 & 1633400007.

SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

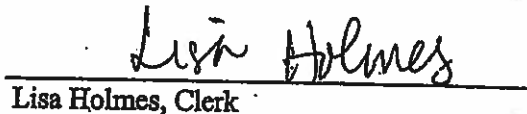
SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


James Jacques, Supervisor


Lisa Holmes, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 9th day of November, 2004.


Lisa Holmes, Clerk

Publication Date: November 17, 2004

Effective Date: December 17, 2004

RICHFIELD TOWNSHIP ORDINANCE NO. 120-I

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described properties is changed from RRA (Rural Residential Agricultural) District to I-1 (Light Industrial) District.

16-09-400-016: N 70 ft of S 412.5 ft of E 528 ft of Govt Lot 9 Sec 9 T8N R8E .94A.

16-09-400-017: N 107.5 ft of S 342.5 ft of E 528 ft of Govt Lot 9 Sec 09 T8N R8E 1.31 A.

Zoning of the following described property is changed from CB (Commercial Business) District to I-1 (Light Industrial) District.

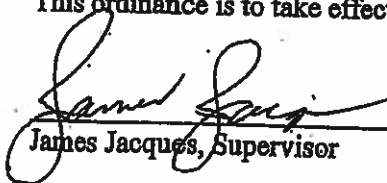
16-09-400-018: N 135 ft of S 235 ft of E 528 ft of Govt Lot 9 Sec 09 T8N R8E 1.66 A.

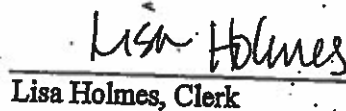
SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

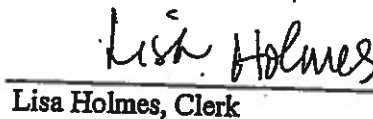
SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


James Jacques, Supervisor


Lisa Holmes, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 10th day of May, 2005.


Lisa Holmes, Clerk

Publication Date: August 17, 2005

Effective Date: September 16, 2005

RICHFIELD TOWNSHIP ORDINANCE NO. 120-J

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described property is changed from SRA (Suburban Residential Agricultural) District to CB (Commercial Business) District.

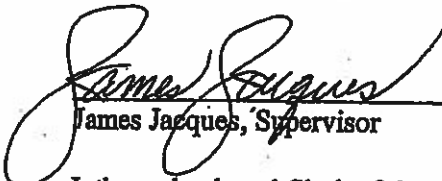
16-31-200-008: A parcel of land beg at NE cor of Sec th S 0 deg 09 min 13 sec E 390 ft th N 89 deg 50 min W 390 ft th N 0 deg 09 min 13 sec W 490 ft th S 89 deg 50 min E 390 ft to pl of beg Sec 31 T8N R8E 4.38 A (00) Fr 16-31-200-007 & 007.

SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


James Jacques, Supervisor


Lisa Holmes, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 13th day of September, 2005.


Lisa Holmes, Clerk

Publication Date: September 28, 2005

Effective Date: October 28, 2005

RICHFIELD TOWNSHIP ORDINANCE NO. 120-K

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described property is changed from SRA (Suburban Residential Agricultural) District to I-1 (Light Industrial) District.

16-22-501-001: Lot 1 except S 53 ft Supervisors Plat of Pratt Acres Sec 22 T8N R8E.

SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


James Jacques, Supervisor


Lisa Holmes, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 11th day of July, 2006.


Lisa Holmes, Clerk

Publication Date: July 19, 2006

Effective Date: August 18, 2006

RICHFIELD TOWNSHIP ORDINANCE NO. 120-L

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED KNOWN AS THE "TOWNSHIP ZONING ACT", WHICH WAS SUPERSEDED BY ACT NO. 110 OF THE PUBLIC ACTS OF MICHIGAN FOR 2006 KNOWN AS THE "MICHIGAN ZONING ENABLING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article II, Section 201 and Article XI, Section 1105

SECTION 2.

AMEND SECTION 201 BY ADDING

201-110A **Sexually Oriented Business** - Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment or retail sales, a significant portion of which includes matter or actions depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas".

a. Permitted adult entertainment uses are:

1. An adult motion picture theater is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
2. An adult mini-motion picture theater is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has a significant portion of any motion picture or other display depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
3. An adult cabaret is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances

show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas." This does not include uses establishments that provide "lap dances" or similar entertainment where the performer and customer come into physical contact.

b. Permitted adult retail uses are:

1. An adult book store is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has a significant portion of its content or exhibit matter or actions depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a substantial segment or section devoted to the sale or display of such material.
2. An adult novelty store is a use which includes sexually oriented novelties for display or sale.

c. Significant Portion

As used in the above definitions, the phrase "significant portion" shall mean and include:

1. Any one (1) or more portions of the display having continuous duration in excess of five (5) minutes; and/or,
2. The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display.
3. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.

d. Display

As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, computer generated images, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

e. Specified Sexual Activities

As used in the above definitions, the phrase "specified sexual activities" shall mean and include:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy;
3. Excretory functions as part of or in connection with any of the activities set forth in 1 or 2 above.

f. Specified Anatomical Areas

As used in the above definitions, the phrase "specified anatomical areas" shall mean and include:

1. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

and

AMEND ARTICLE XI BY DELETING SECTION 1105-1 ADULT USES AND REPLACING IT WITH THE SECTION BELOW

1105-1 Sexually Oriented Businesses

Sexually Oriented Businesses are allowed in the I-1 and I-2 zoning districts as a Special Land Use.

a. Sexually Oriented Businesses shall comply with the following requirements

1. The use shall be not less than 250' from a parcel zoned RRA, SRA, SR, SRM or MH. The distance shall be measured on a straight line from the edge of the building or parking lot that is associated with the sexually oriented business that is closest to the residence to the property line of the residential lot
2. The use shall not be less than 1000' from another sexually oriented business. The distance shall be measured on a straight line from the edge of the building or parking lot that is associated with the sexually oriented business to the closest edge of the building or parking lot that is associated with the other sexually oriented business.
3. Sexually Oriented Businesses shall comply with the township's Sexually Oriented Business Licensing Ordinance and Anti-Nudity Ordinance.

4. The operation of the business, including signage, shall comply with the requirements of the township's Sexually Oriented Business Licensing Ordinance.

SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

SECTION 4.

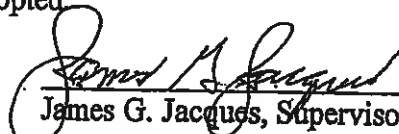
This ordinance is to take effect thirty (30) days after passage and publication thereof.

At a regular meeting of the Board of Trustees of Richfield Township held on April 10, 2007, adoption of the foregoing ordinance was moved by Montague and supported by Masters.

Voting for: 5

Voting against: 0

The supervisor declared the ordinance adopted


James G. Jacques, Supervisor


Lisa Holmes, Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No.120-L which was enacted by the Richfield Township Board of Trustees at a regular meeting held on April 10, 2007


Lisa Holmes, Clerk

RICHFIELD TOWNSHIP ORDINANCE NO. 120-M

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT".

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amending Article III, Section 301.

SECTION 2.

Zoning of the following described properties is changed from I-1 (Light Industrial) District to RRA (Rural Residential Agricultural) District.

16-09-400-033: The North 70 feet of the North 183 feet 2 inches of the East 521 feet of the South 25 rods of the East 32 rods of Section 9, Township 8 North, Range 8 East, excepting burial ground being part of Southeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of Section 9, Township 8 North, Range 8 East.

16-09-400-034: The North 107.5 feet of the South 342.5 feet of the East 521 feet of Government Lot 9, Section 9, Township 8 North, Range 8 East, excepting burial ground, being a part of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 9, Township 8 North, Range 8 East.

SECTION 3.

Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

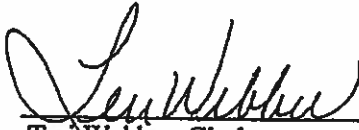
SECTION 4.

This ordinance is to take effect thirty (30) days after passage and publication thereof.


Joseph M. Madore, Supervisor


Teri Webber, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the 9th day of February, 2010.


Teri Webber, Clerk

Publication Date: February 18, 2010

Effective Date: March 20, 2010

**RICHFIELD TOWNSHIP
ORDINANCE NUMBER 120-N**

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE FOR THE REGULATION OF MEDICAL MARIJUANA DISPENSARIES.

THE TOWNSHIP OF RICHFIELD ORDAINS:

Section 1. AMENDMENT OF SECTION 201 OF ARTICLE II OF ORDINANCE NO. 120, THE ZONING ORDINANCE FOR THE TOWNSHIP OF RICHFIELD.

The Township Board hereby amends Section 201 of Article II of Ordinance No. 120 by adding thereto the following definition:

201-79a Medical Marijuana Dispensary.

A medical marijuana dispensary shall mean a facility where three or more "primary caregivers" grow, cultivate, store, dispense or offer marijuana for sale to "qualifying patients" under the Michigan Medical Marijuana Act of 2008. A "primary caregiver," "qualifying patient" and "marijuana" shall have the meanings ascribed to them in the Michigan Medical Marijuana Act of 2008.

Section 2. AMENDMENT OF SECTIONS 1002 AND 1003 OF ARTICLE X OF ORDINANCE NO. 120, THE ZONING ORDINANCE FOR THE TOWNSHIP OF RICHFIELD.

The Township Board hereby amends Sections 1002 and 1003 of Article X of Ordinance No. 120 by adding thereto a "medical marijuana dispensary" as a principal use permitted as a Special Land Use under subsections 1002-2(c) and 1003-2.

Section 3. AMENDMENT OF SECTION 1105 OF ARTICLE XI OF ORDINANCE NO. 120, THE ZONING ORDINANCE FOR THE TOWNSHIP OF RICHFIELD.

The Township Board hereby amends Section 1105 of Article XI of Ordinance No. 120 by adding thereto a new subsection 1105-15a to read as follows:

1105-15a Medical Marijuana Dispensary.

a. Locational Limitations.

A medical marijuana dispensary shall not be permitted:

- (i) within five hundred (500) feet of any other medical marijuana dispensary;
- (ii) within five hundred (500) feet of a residential district or use.
- (iii) within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
- (iv) within one thousand (1000) feet of any church, house of worship or other religious facility or institution;
- (v) within one thousand (1000) feet of any public or municipal park.

b. Operational Limitations.

- (i) a medical marijuana dispensary shall only operate between 8:00 A.M. and 8:00 P.M., Monday through Saturday;
- (ii) a medical marijuana dispensary must comply at all times with each and every provision of the Michigan Medical Marijuana Act of 2008 (MCL 333.26421, et seq.).
- (iii) marijuana or cannabis shall only be grown, manufactured or harvested inside a fully enclosed structure or building that is kept secured with locks to prevent unintended or uninvited access;
- (iv) persons under the age of eighteen (18) years of age are not permitted to be on the premises of any medical marijuana dispensary unless they possess a valid Medical Marijuana Registry Card issued by the State of Michigan or another state;
- (v) the owner of a medical marijuana dispensary who violates these sections shall be liable for all costs associated with the investigation, prosecution and enforcement of that violation;
- (vi) the cultivation, manufacturing, growing or distribution of marijuana shall not occur in connection with or at a location at which any other commodity, product or service is also available.

Section 4. EFFECTIVE DATE.

This Ordinance shall take effect 30 days after publication.

At a regular meeting of the Board of Trustees for the Township of Richfield held on March 9th, 2010, Dennis Montague moved for adoption of the foregoing ordinance and Joseph M Madore supported the motion.

Voting for: 5

Voting against: 0

The Supervisor declared the ordinance adopted.




Joseph M. Madore, Supervisor



Teri Webber, Township Clerk

Certification

Teri Webber, Richfield Township Clerk, certifies that the foregoing is a true copy of Ordinance No.120 which was enacted by the Board of Trustees of Richfield Township at a regular meeting held on March 9th, 2010.



Teri Webber, Township Clerk

DRAFT

Prepared by
Richard J. Figura, Esq.
April 13, 2009

RICHFIELD TOWNSHIP

ORDINANCE NO. 120-D

AMENDMENT OF ZONING ORDINANCE TO COMPLY WITH STATE LAW

AN ORDINANCE TO AMEND THE RICHFIELD TOWNSHIP ZONING ORDINANCE TO BRING SAID ORDINANCE INTO COMPLIANCE WITH THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED.

THE TOWNSHIP OF RICHFIELD ORDAINS:

Section 1. Amendment of the Title to Ordinance No. 120, the Richfield Township Zoning Ordinance.

The Title to Ordinance No. 120, the Richfield Township Zoning Ordinance is hereby amended to read as follows:

TITLE

An Ordinance originally enacted pursuant to Public Act 184 of 1943, as amended, (being the Township, Zoning Act), governing the unincorporated portions of Richfield Township, Genesee County, Michigan, to provide for the regulation of land development and the establishment of 1 or more districts within the zoning jurisdiction which regulate the use of land and structures to meet the needs of the township's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare; to provide for the regulation of land development and the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion; and to adopt land development regulations designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles. This Ordinance is continued in effect and the continued administration of this Ordinance, amendments to this Ordinance, and

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Prepared by
Richard J. Figura, Esq.
April 13, 2009

all other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended (the Michigan Zoning Enabling Act, MCL 125.3101 *et seq*) hereinafter referred to as the "Zoning Act" or the "MZEA." Any references in this Ordinance to "Township Zoning Act" are hereby changed to refer to "Zoning Act."

Note: This change expands the description of the purposes of the zoning ordinance and mirrors the language in the MZEA. It also adds the references to the MZEA.

Section 2. Amendment of definition of "person."

Section 200 of the Richfield Township Zoning Ordinance is hereby amended to change the definition of "person" in subsection 200-7 to read as follows:

200-7 The word "person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

Note: This change brings the definition of "person" into conformity with that in the MZEA.

Section 3. Amendment of definition of "airport."

Section 201 of the Richfield Township Zoning Ordinance is hereby amended to change the definition of "airport" in subsection 201-3 to read as follows:

201-3 Airport

An airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327 [MCL 259.86].

Note: This change brings the definition of "airport" into conformity with that in the MZEA.

Section 4. Amendment to definition of "Family Day Care Home."

Section 201 of the Richfield Township Zoning Ordinance is hereby amended to change the definition of "Family Day Care Home" in subsection 201-46 to read as follows:

201-46 Family Day Care Home

Whenever the term "family day care home" is used in this ordinance it shall mean "family child care home," which is defined in Public Act

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Prepared by
Richard J. Figura, Esq.
April 13, 2009

116 of 1973 as a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Note: This change establishes that a "family day care home" referred to in the zoning ordinance is the same as a "family child care home," which is the term used in state law.

Section 5. Amendment to definition of "Group Day Care Home."

Section 201 of the Richfield Township Zoning Ordinance is hereby amended to change the definition of "Group Day Care Home" in subsection 201-59 to read as follows:

201-59 Group Day Care Home

Whenever the term "group day care home" is used in this ordinance it shall mean "group child care home," which is defined in Public Act 116 of 1973 as a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Note: This change establishes that a "group day care home" referred to in the zoning ordinance is the same as a "group child care home," which is the term used in state law.

Section 6. Amendment to add definition of Zoning Act.

Section 201 of the Richfield Township Zoning Ordinance is hereby amended to add thereto a new subsection 201-130 to read as follows:

201-130 Zoning Act; MZEA.

Whenever used in this ordinance, the term "zoning act," "township zoning act," or "MZEA" shall mean the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq.

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Prepared by
Richard J. Figura, Esq.
April 13, 2009

Note: Adding this definition covers us if we miss changing a reference from "township zoning act" to "zoning act."

Section 7. Amendment of Section 1101-7 regarding Public Hearing Notices for Special Land Uses.

Section 1101-7 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

1101-7 Planning Commission Action on Complete Applications for Eligible Uses: Public Hearing and Notice Requirements.

If the Zoning Administrator determines that the application is sufficiently complete to allow substantive review and that the subject use is listed as a special land use in the zoning district in which the subject property is located, the applicant or his/her representative must appear before the Planning Commission which shall hear any person wishing to express an opinion on the application at its next regular meeting, or at a special meeting called for that purpose, provided such regular or special meeting provides adequate time to notify adjacent property owners and others as required by the Zoning Act. Such notice shall be given by the Secretary of the Planning Commission as follows:

- a. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
- b. Notice shall be given as provided under subsection "d" below to the owners of property that is the subject of the special land use request.
- c. Notice shall also be given as provided under subsection "d" below to all persons to whom real property is assessed within 300 feet of the property that is the subject of the special land use request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the

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Prepared by
Richard J. Figura, Esq.
April 13, 2009

manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

- d. The notice under subsections "b" and "c" above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service not less than 15 days before the date of the hearing. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- e. The notice shall do all of the following:
 - (1) Describe the nature of the special land use request.
 - (2) Indicate the property that is the subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - (3) State when and where the special land use request will be considered.
 - (4) Indicate when and where written comments will be received concerning the special land use request.

Note: This brings the notice provision into compliance with the MZEA. Note that the MZEA now requires one notice given a minimum of 15 days before the hearing.

Section 8. Amendment of Section 1101-8 regarding the Planning Commission's Decision and Statement of Findings and Conclusions.

Section 1101-8 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

1101-8 Planning Commission Decision; Statement of Findings and Conclusions.

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Prepared by
Richard J. Figura, Esq.
April 13, 2009

The Planning Commission may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a resolution which contains a statement of findings and conclusions relative to the special land use and which specifies the basis for the decision and any conditions imposed. Actions to approve or approve with conditions shall require a majority vote of all members of the Planning Commission, not just a majority of the quorum present at the meeting. Said resolution may be passed at the meeting at which the application is considered. If the application is found to be inadequate for the commission to render a decision, the commission may postpone further consideration of the application until it receives the additional information requested. If the date of the next review is not set at the time the application is postponed, notice of the next meeting shall be given in the manner set forth in 1101-7 above.

Note: This rewrite of section 1108-1 contains some minor changes to bring the text into compliance with the MZEA which requires a "statement of findings and conclusions" in an action on a special land use request. I also changed "tabled" to "postponed." While most bodies refer to postponing consideration of a matter to another meeting as "tabling," technically that is incorrect. Technically, under Robert's Rules of Order, tabling a matter means setting it aside until a later time at the same meeting. Putting off consideration of a matter to another meeting is a postponement. Matters may be postponed to a specific date or postponed without date.

Section 9. Amendment of Section 1201-8 regarding Public Hearing Notices for Planned Residential Developments.

Section 1201-8 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

1201-8 At the meeting during which the planned residential development application is referred to the Planning Commission, the Commission shall determine: 1) if the application is sufficiently complete to allow substantive review, and 2) if the proposed planned residential development obviously fails to meet the requirements of this Ordinance. If the Planning Commission determines that the application is not sufficiently complete to allow substantive review, or that the proposed planned development obviously does not mean the standards of this Ordinance, then the Planning Commission shall, by resolution of a majority of the quorum present refuse to consider the application. If the Planning Commission determines that the application is sufficiently

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Prepared by
Richard J. Figura, Esq.
April 13, 2009

complete to allow substantive review and that the proposed planned residential development does not obviously violate the requirements of the Ordinance, then the Planning Commission shall hold a public hearing on the application at its next regular meeting, or at a special meeting called for that purpose, provided such regular or special meeting provides adequate time to notify adjacent property owners and others as required by the Zoning Act. Such notice shall be given by the Secretary of the Planning Commission as follows:

- a. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
- b. Notice shall be given as provided under subsection "d" below to the owners of property that is the subject of the PRD request.
- c. Notice shall also be given as provided under subsection "d" below to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
- d. The notice under subsections "b" and "c" above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service not less than 15 days before the date of the hearing. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- e. The notice shall do all of the following:

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Prepared by
Richard J. Figura, Esq.
April 13, 2009

- (1) Describe the nature of the PRD request.
- (2) Indicate the property that is the subject of the PRD request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- (3) State when and where the PRD request will be considered.
- (4) Indicate when and where written comments will be received concerning the PRD request.

Note: This brings the notice provisions for PRD requests into compliance with the MZEA.

Section 10. Amendment of Section 1201-9 regarding the Planning Commission's Decision and Statement of Findings and Conclusions.

Section 1201-9 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

1201-9 Planning Commission Decision; Statement of Findings and Conclusions.

- a. The Planning Commission shall by or at its next regularly scheduled meeting following the public hearing at which the PRD application was considered, or at a special meeting called for that purpose, consider a resolution setting forth a statement of its findings and conclusions regarding the requirements set forth herein and shall approve, approve with conditions or disapprove the preliminary application. Such approval, approval with conditions or disapproval shall be based solely on the requirements and standards in this Ordinance.
- b. Actions to approve or approve with conditions shall require a majority vote of all members of the Planning Commission, not just a majority of the quorum present at the meeting.
- c. Approval of a planned residential development preliminary plan shall constitute approval of the layout submitted as a guide

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to the preparation of the final site plan or plans, but shall not constitute final approval of the final plan or plans.

- d. Final approval may be granted on each phase of a multiphased planned residential development if each phase contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned residential development and the residents of the surrounding area.
- e. In establishing any conditions of any planned residential development approval, the Planning Commission may incorporate by reference other ordinances or statutes which regulate land development.

Note: This brings the provisions of Section 1201-9 into compliance with the MZEA.

Section 11. Amendment of Section 1205-4(b)(3) Regarding the Notice Requirements for a Public Hearing for Final Plan Review on a Planned Unit Development Request.

Section 1205-4(b)(3) of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

3. Final Plan Review. Within six (6) months of preliminary plan approval, the applicant shall submit to the Zoning Administrator the final plan for the proposed planned unit development project, or for the first phase of the project if the project is proposed for construction in phases. If the final plan is not submitted within the required six month period, the preliminary plan approval shall lapse, and the applicant must re-commence the review process. However, the Planning Commission may extend the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred.

After all application materials have been received and review fees paid, the final plan shall be reviewed in accordance with the following procedures:

- a) The Planning Commission shall hold a public hearing on the application at its next regular meeting, or at a special meeting called for that purpose, provided such regular or special meeting provides adequate time to notify adjacent property owners and others as required by the Zoning Act. Such notice shall be given by the Secretary of the Planning Commission as follows:

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- 1) Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
- 2) Notice shall be given as provided under subsection "4)" below to the owners of property that is the subject of the PUD request.
- 3) Notice shall also be given as provided under subsection "4)" below to all persons to whom real property is assessed within 300 feet of the property that is the subject of the PUD request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
- 4) The notice under subsections "1)" and "2)" above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service not less than 15 days before the date of the hearing. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- 5) The notice shall do all of the following:
 - (a) Describe the nature of the PUD request.
 - (b) Indicate the property that is the subject of the PUD request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

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- (c) State when and where the PUD request will be considered.
 - (d) Indicate when and where written comments will be received concerning the PUD request.
- b. Following the public hearing and completion of its review, the Planning Commission shall recommend to the Township Board that the application be approved, disapproved, or approved with conditions. The Planning Commission shall prepare and transmit a report to the Township Board which shall contain its recommendation and a statement of its findings and conclusions in support of its recommendation, including the conditions it recommends if its recommendation is for approval with conditions.
 - c. Following receipt of the Planning Commission's report, the application shall be placed on the agenda of the next regularly scheduled Township Board meeting or a special meeting called for that purpose. The Township Board shall review the final plan together with the recommendation of the Planning Commission and its findings and conclusions, and shall schedule a public hearing on the request. Notice of the Township Board's public hearing shall be given in the same manner as is provided for the Planning Commission public hearing in subsection "a" above.
 - d. After the public hearing and following completion of its review, the Township Board shall approve, disapprove, or approve with conditions the final plan as follows:
 - 1) Approval. Upon a determination by the Township Board that the final plan for the proposed planned unit development is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted. The approval shall be supported by a statement of the findings and conclusions made by the Township Board.
 - 2) Approval with Conditions. The Township Board may impose reasonable conditions on the approval of a planned unit development, to the extent authorized by law, for the purpose of insuring that public services and facilities affected by the proposed development will be capable of accommodating any increased public service loads caused

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by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. The conditions imposed shall be designed to protect the natural resources and the public health, safety and welfare of the individuals in the planned unit development, those immediately adjacent thereto and the community as a whole. The conditions imposed shall also be necessary to meet the intent and purposes of this Ordinance. If the planned unit development is approved with conditions, the conditions shall become a part of the record of approval, and such conditions shall be modified only as provided in Section 1205-8. The approval with conditions shall be supported by a statement of the findings and conclusions made by the Township Board.

- 3) Disapproval. Upon a determination that the proposed planned unit development does not comply with the standards and regulations set forth in this Ordinance, or would otherwise be injurious to the public health, safety, welfare and orderly development of the township, the final plan shall be disapproved. The disapproval shall be supported by a statement of the findings and conclusions made by the Township Board.

Note: The notice requirements have been changed to conform to the requirements of the MZEA. In addition, the subsection has been amended to include a public hearing to be held by the Township Board in addition to the one held by the Planning Commission. The MZEA provides that at least 1 public hearing shall be held by "the body or official responsible for the review and approval" (emphasis supplied) of the request. Since the Planning Commission reviews the request and the Township Board approves it, each body must conduct a public hearing.

Section 12. Amendment of Section 1702-4(e) Relative to Abandonment of Nonconforming Uses and Structures.

Section 1802-4(e) of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

- e. If a property owner abandons a nonconforming use or structure, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. The owner's intent to abandon or no longer continue the nonconforming use of the land or structure shall be

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established by a preponderance of the evidence which shall consider the following:

- 1) Whether utilities have been disconnected.
- 2) Whether any signs have been removed or have fallen into disrepair.
- 3) Whether any fixtures within and outside the building have been removed.
- 4) Whether the property has fallen into disrepair or is considered "blighted."
- 5) Whether U.S. Mail delivery has been terminated or mail is forwarded to another address.
- 6) Whether the classification of the property for tax purposes has been changed to reflect another use.
- 7) Whether any licensed associated with the use has expired.
- 8) Whether there are any other similar changes to the nonconforming structure or use.
- 9) Action to determine if a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:
 - a. Ownership or possession of the property is the subject of a pending Probate Court proceeding;
 - b. The property is the subject of an Insurance settlement dispute; or
 - c. The property is the subject of an ongoing criminal investigation.

Note: This is a substantial departure from the current ordinance provision which simply establishes non-use for 18 months as the trigger for terminating the right to continue a nonconforming use or structure. The specific requirements above are not from the MZEA but from appellate decisions of the Michigan Court of Appeals. This change brings this provision into compliance with Michigan case law.

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Section 13. Amendment to add a new Section 1702-9 Applying to Appeals of Decisions Regarding Nonconforming Uses or Structures.

Article XVII of the Richfield Township Zoning Ordinance is hereby amended to add thereto a new section 1702-9 to read as follows:

1702-9 Appeal of Decision. Any party aggrieved by any order, determination, or decision of the Zoning Administrator, the Planning Commission, the Township Board or the Zoning Board of Appeals made under this Article with respect to a nonconformity may obtain a review of that decision in the Genesee County Circuit Court, which review shall be in accordance with section 606 of the MZEA.

Note: This brings the Zoning Ordinance into compliance with the MZEA which requires that appeals from decisions regarding nonconformities go to circuit court as opposed to the Zoning Board of Appeals.

Section 14. Amendment of Section 2000 Regarding the Creation of the Board of Zoning Appeals.

Section 2000 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

Section 2000. Creation and Membership

There is hereby established a Board of Zoning Appeals which shall perform such duties and exercise such powers as set forth herein. The Board of Zoning Appeals shall consist of five (5) members, appointed by the Township Board as follows:

- 2000 -1 One member shall be a member of the Planning Commission.
- 2000-2 The remaining members, and any alternate members appointed pursuant to section 2002-3, below, shall be electors of the Township residing outside of incorporated cities and villages, and shall be representative of the population distribution and of the various interests present in the Township.
- 2000-3 Of the remaining members, one regular or alternate member shall be a member of the Township Board.
- 2000-4 No employee or contractor of the Township Board may be a member of the Board of Zoning Appeals.

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- 2000-5 No elected officer of the Township may serve as chairman of the Board of Zoning Appeals.
- 2000-6 The Township Board may appoint to the Board of Zoning Appeals not more than 2 alternate members for the same term as regular members. An alternate member may be called to serve as a member of the Board of Zoning Appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Board of Zoning Appeals has the same voting rights as a regular member.
- 2000-7 A member of the Board of Zoning Appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.
- 2000-8 A member of the Board of Zoning Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- 2000-9 The terms of office for members appointed to the Board of Zoning Appeals shall be for 3 years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired.
- 2000-10 A vacancy on the Board of Zoning Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
- 2000-11 The Board of Zoning Appeals shall not conduct business unless a majority of the regular members of the Board of Zoning Appeals are present.

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- 2000-12 A member of the Board of Zoning Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

Note: Nearly all of this section has been rewritten to comply with the MZEA. The more significant changes deal with alternate members and the prohibition against participating in a hearing on a matter a member previously participated in (Section 2000-12).

Section 15. Amendment of Section 2003 to Comply with the MZEA.

Section 2003 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

Section 2003. Board of Zoning Appeals; Powers; Concurring Vote of Majority of Members.

- 2003-1 The Board of Zoning Appeals shall hear and decide questions that arise in the administration of this Zoning Ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The Board of Zoning Appeals shall also hear and decide on matters referred to it or upon which it is required to pass under this Zoning Ordinance. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Zoning Ordinance.
- 2003-2 The Board of Zoning Appeals shall not have jurisdiction to hear appeals from special land use, planned residential development or planned unit development decisions. Appeals in such matters must go to circuit court.
- 2003-3 The concurring vote of a majority of the members of the Board of Zoning Appeals is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, to decide in favor of the applicant on a matter upon which the Board of Zoning Appeals is required to pass under this Zoning Ordinance, or to grant a variance under this Zoning Ordinance.

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Note: The provisions of current section 2003 are expanded and split between a new 2003 and 2004. That more closely follows the format in the MZEA and will ensure compliance with the MZEA.

Section 16 Amendment of Article XX to add new Section 2004, Delete Existing Section 2005 and Renumber Existing Section 2004 as Section 2005.

Article XX of the Richfield Township Zoning Ordinance is hereby amended to renumber existing Section 2004 as Section 2005 and to add a new Section 2004 to read as follows:

- 2004-1 Appeals Generally. An appeal to the Board of Zoning Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or the Township. In addition, a variance in this zoning ordinance may be applied for and granted under the MZEA and under section 4 of the uniform condemnation procedures act, 1980 PA 87. The Board of Zoning Appeals shall state the grounds of any determination made by the board.

- 2004-2 Time for Appeal. An appeal under this section shall be taken within such time as prescribed by the Board of Zoning Appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the Board of Zoning Appeals all of the papers constituting the record upon which the action appealed from was taken.

- 2004-3 Stay of Proceedings. An appeal to the Board of Zoning Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Board of Zoning Appeals or a circuit court.

- 2004-4 Hearing. Following receipt of a written request for a variance, the Board of Zoning Appeals shall fix a reasonable time for the hearing of the request and give notice as provided in Section 2004-8, below.

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2004-5 Appeal of Administrative Decision; Request for Interpretation. If the Board of Zoning Appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the Board of Zoning Appeals shall conduct a public hearing on the request. Notice of the hearing shall be given as required under Section 2004-__, below. However, if the request does not involve a specific parcel of property, notice need only be published as provided in Section 2004-__, below, and given to the person making the request as provided in Section 2004-__.

2004-5 At a hearing under Section 2004-5, a party may appear personally or by agent or attorney. The Board of Zoning Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

2004-6 Non-use Variances. If there are practical difficulties in carrying out the strict letter of the requirements of this Zoning Ordinance as applied to a particular property, the Board of Zoning Appeals may grant a non-use, or dimensional, variance in accordance with this Section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. In granting a non-use, or dimensional, variance, the Board of Zoning Appeals may impose conditions as otherwise allowed under this act.

- a. The Board of Zoning Appeals may find that practical difficulties exist only when all of the following conditions are met:
 - 1) Exceptional characteristics of the property for which the variance is sought make compliance with dimensional requirements unnecessarily burdensome or unreasonably prevent the owner from using the property;
 - 2) The characteristics of the property which make compliance with dimensional requirements difficult must be related to unique characteristics of the property;
 - 3) The characteristics of the property which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner of the property;

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- 4) The proposed variance would do substantial justice to the applicant as well as other property owners in the district and will be the minimum necessary, and no variance shall be granted where a different solution not requiring a variance would be possible.
- b. Any variance which authorizes construction contrary to the requirements of this Ordinance shall be void unless the construction so authorized is commenced within twenty-four (24) months after the granting of the variance and diligently pursued to completion.

2004-7

Use Variances. If there are unnecessary hardships in carrying out the strict letter of the requirements of this Zoning Ordinance as applied to a particular property, the Board of Zoning Appeals may grant a use variance in accordance with this Section so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. In granting a use variance, the Board of Zoning Appeals may impose conditions as otherwise allowed under this act.

- a. The Board of Zoning Appeals may find that undue hardships exist only when all of the following conditions are met:
 - 1) Compliance with the strict letter of the Zoning Ordinance regulations would create an unnecessary hardship in that the property could not reasonably be used in a manner consistent with those regulations. Whether the property can reasonably be used for a purpose consistent with the existing zoning regulations depends on whether a reasonable return can be derived from the property as zoned. A showing that the permitted uses are less profitable than the proposed use is insufficient to justify a use variance. There must be evidence before the Board of Zoning Appeals that the land can not be used for the other approved uses in the existing zoning district.
 - 2) Granting of the requested use variance would do substantial justice to the applicant as well as to other property owners in the district.

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- 3) The requested use variance can be granted in such fashion that the spirit of the Zoning Ordinance regulations will be observed and public safety and welfare secured.
 - 4) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or to other similar uses in the same zoning district. The conditions resulting in a use variance request cannot be self-created. The nonconforming condition of adjacent or nearby properties does not constitute a circumstance justifying the granting of a use variance.
 - 5) The granting of a use variance will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
 - 6) The development permitted upon granting of a use variance will relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion with respect to commercially zoned properties, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the Village.
 - 7) The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood
- b. The granting of a use variance requires a vote of 2/3 of the members of the Board of Zoning Appeals.

2004-8

Hearing Notices. Whenever the Board of Zoning Appeals holds a hearing on a matter as provided for in this Article XX, notice of such hearing shall be given in the following manner:

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- a. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
- b. Notice shall be given as provided under subsection "d" to the owners of property that is the subject of the request.
- c. Notice shall also be given as provided under subsection "d" to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
- d. The notice under subsection "b" and "c" is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- e. A notice under this section shall do all of the following:
 - 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

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- 3) State when and where the request will be considered.
- 4) Indicate when and where written comments will be received concerning the request.

Note: This, together with the new Section 2003, brings the Zoning Ordinance into compliance with the MZEA relative to BZA jurisdiction, procedures and hearing notices.

Section 17. Amendment of Former Section 2004 to Renumber as Section 2005 and to Add thereto Voting requirements for Use Variances.

Existing Section 2005 is deleted and Existing Section 2004 of the Richfield Township Zoning Ordinance is hereby renumbered as Section 2005 and amended to read as follows:

Section 2005. Orders

In exercising its powers, the Board of Zoning Appeals may reverse or affirm wholly or partly, or may modify, any order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as ought to be made, and to that end it shall have all the powers of the Zoning Administrator, Building Inspector, or other body charged with the administration of this Ordinance from whom the appeal is taken.

The majority vote of the total regular membership of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the officer or body appealed from, or to decide in favor of the applicant in any matter upon which it authorized by this Ordinance to render a decision, except that the granting of a use variance, as provided in Section 2004-7 requires a 2/3 majority of the members of the Board of Zoning Appeals.

The Board of Zoning Appeals may impose conditions with an affirmative decision. The conditions may include conditions necessary to insure that the public services and facilities affected by a proposed variance will be capable of accommodating any increased service and facility loads caused by the variance to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- 2005-1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who

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will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- 2005-2 Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
- 2004-3 Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a variance shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Board of Zoning Appeals and the landowner. The Board of Zoning Appeals shall maintain a record of conditions which are changed.

- 2005-4 The decision or order of the Board of Zoning Appeals shall be placed in writing and signed by the chairperson if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson.

Note: This is the same as existing Section 2004 except for the addition of the 2/3 majority voting requirement for a use variance and for the requirement that decisions be put in writing and signed by the chairperson. Both are required by the MZEA. The signing of the decision triggers the 30 day appeal period for an applicant to appeal to circuit court.

Section 18. Amendment of Article XX re Appeals from Board of Zoning Appeals Decisions.

Article XX of the Richfield Township Zoning Ordinance is hereby amended to add thereto a new Section 2007 to read as follows:

Section 2007. Appeals

Any party aggrieved by a decision of the Board of Zoning Appeals may appeal to the Genesee County Circuit Court. An appeal to the circuit court must be filed within 30 days after the Board of Zoning Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within 21 days after the Board of Zoning Appeals approves the minutes of its decision.

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Note: This spells out the appeal remedy which is in the MZEA. I recommend including it in the Ordinance.

Section 19. Amendment of Section 2202 Regarding Hearing Notices for Ordinance Amendments.

Section 2202 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

Section 2202. Public Hearing

Except as provided in subsection "f," below, all requests for a change in the Zoning Ordinance text or the Zoning Map shall be referred to the Planning Commission which shall consider such request and make a recommendation on said request to the Township Board. Before making its recommendation, the Planning Commission shall hold a public hearing on the request. Notice of the public hearing shall be given in the following manner:

- a. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
- b. Notice shall be given as provided under subsection "d" to the owners of property that is the subject of the request.
- c. Notice shall also be given as provided under subsection "d" to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. This requirement does not apply when a group of adjacent properties numbering 11 or more is proposed for rezoning.
- d. The notice under subsection "b" and "c" is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private

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delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

- e. A notice under this section shall do all of the following:
- 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. This requirement to list street addresses is not applicable when a group of adjacent properties numbering 11 or more is proposed for rezoning.
 - 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.
 - 5) the places and times at which the proposed text and any maps of the Zoning Ordinance may be examined.
- f. An amendment to conform a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under this Ordinance or the Zoning Act.

Note: This conforms the notice procedure with that required by the MZEA. It also includes the provision exempting an amendment from these procedures when it is ordered by a court.

Section 20. Amendment of Section 2203 to Comply with The Michigan Zoning Enabling Act.

Section 2203 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

Section 2203. Township Board Action

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- 2203-1 After receiving the recommendation and report of the Township Planning Commission, the Township Board may hold additional public hearings if it wishes. If the Township Board holds a public hearing on the proposed zoning amendment it give notice of such public hearing in the same manner as provided in Section 2202, above. If, after holding such public hearing, the Township Board proposes changes to the amendment as received from the Planning Commission, it shall refer the changes back to the Planning Commission for their recommendation along with a deadline for their comments to be sent back to the Township Board.
- 2203-2 Adoption of the zoning ordinance amendment requires approval of a majority of the membership of the Township Board.
- 2203-3 The Township Board shall grant an opportunity to heard on a proposed ordinance provision to an interested property owner who requests such opportunity to be heard by certified mail, addressed to the Township Clerk. A hearing under this subsection is not subject to the notice requirements for a public hearing under this Zoning Ordinance or the Zoning Act, but notice of the time and place when the property owner may be heard by the Township Board shall be given to the interested property owner as follows:
- a. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the property owner will be heard.
 - b. The notice under this section shall do all of the following:
 - 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. This requirement to list street addresses is not applicable when a group of adjacent properties numbering 11 or more is proposed for rezoning.

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- 3) State when and where the property owner will be heard with respect to the request.
- 4) Indicate when and where written comments will be received concerning the request.

Note: Subsection 2203-4 has been added to section 2203 to comply with the MZEA. The "hearing" the Township Board is required to provide to an interested property owner is not a "public hearing," but only an opportunity for the interested property owner to address the Township Board.

Section 21. Amendment of Article XXII To Add a New Section Regarding Conditional Rezoning.

Article XXII is hereby amended to add a new Section 2204 thereto to read as follows:

Section 2204. Conditional Rezoning

2204-1 Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of the Zoning Act by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

2204-2 Application and Offer of Conditions.

- a. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- b. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of

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conditions, except as modified by the requirements of this Section.

- c. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new land use district.
- d. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- e. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if such variance is ultimately granted by the Board of Zoning Appeals in accordance with the provisions of this Ordinance.
- f. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- g. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily in writing by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

2204-3 Planning Commission Review.

- a. The Planning Commission, after public hearing, notice of which is given in accordance with the Zoning Act, and consideration of the factors for rezoning set forth in this Ordinance, may recommend approval, approval with

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recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered in writing by the owner.

- b. In performing its review under this section, the Planning Commission may retain whatever planning and legal assistance it needs to permit it to adequately review the proposed conditional rezoning and the conditions to be attached thereto as well as the proposed Statement of Conditions which would be attached to the conditional rezoning as set forth in Section 2204-5 below.
- c. The cost of such legal and/or planning assistance shall be borne by the owner(s) of the subject property and the Township may require that the estimated cost of such legal and/or planning assistance be deposited with the Township prior to retaining such assistance. Following completion of the conditional rezoning process, any sums deposited with the Township in excess of the sum required for such legal and/or planning assistance shall be refunded forthwith to the owner(s). Likewise, any sums owed by the owner(s) to the Township in excess of those deposited shall be paid forthwith.

2204-4 Township Board Review.

- a. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner in writing, then the Township Board shall, in accordance with Section 405 of the Michigan Zoning Enabling Act refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

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- b. In performing its review under this section, the Township Board may retain any additional planning and legal assistance it needs to permit it to adequately review the proposed conditional rezoning and the conditions to be attached thereto as well as the proposed Statement of Conditions which would be attached to the conditional rezoning as set forth in Section 2204-5 below.
- c. The cost of such legal and/or planning assistance shall be borne by the owner(s) of the subject property and the Township may require that the estimated cost of such legal and/or planning assistance be deposited with the Township prior to retaining such assistance. Following completion of the conditional rezoning process, any sums deposited with the Township in excess of the sum required for such legal and/or planning assistance shall be refunded forthwith to the owner(s). Likewise, any sums owed by the owner(s) to the Township in excess of those deposited shall be paid forthwith.

2204-5

Approval.

- a. If the Township Board finds the rezoning request and offer of conditions acceptable and all fees due from the owner(s) have been paid, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance, adopted by the Township Board to accomplish the requested rezoning.
- b. The Statement of Conditions shall:
 - 1) Be in a form recordable with the Register of Deeds of Genesee County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - 2) Contain a legal description of the land to which it pertains.

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- 3) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - 4) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - 5) Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Genesee County.
 - 6) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- c. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 - d. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Genesee County. The owner(s) of the subject land shall reimburse the Township for the cost of such recording, as well as any other costs provided for in this Ordinance, prior to implementing the use authorized by the conditional rezoning.
 - e. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new land use district as modified by any more restrictive provisions contained in the Statement of Conditions.

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2204-6 Compliance with Conditions.

- a.. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- b. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

2204-7 Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

2204-8 Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in the Zoning Act. The reversion process shall be confirmed by the Township Board after

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receiving a report from the Zoning Administrator, concurred in by the Planning Commission after notice to the owner(s) of the subject property, that the approved development and/or use of the rezoned land did not occur within the time frame specified under Section 2204-7 above.

2204-9 Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 2204-8 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Township Clerk shall record with the Register of Deeds of Genesee County a notice that the Statement of Conditions is no longer in effect.

2204-10 Amendment of Conditions.

- a. During the time period for commencement of an approved development or use specified pursuant to Section 2204-7 above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
- b. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

2204-11 Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Act.

2204-12 Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of

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conditions shall not affect an owner's rights under this Ordinance.

Note: This conditional rezoning provision is optional. It is authorized by the MZEA and can be a very valuable zoning tool. I recommend the Township give it serious consideration. I can answer any questions anyone may have about it. If you want to adopt it, now would e the time to do it.

Section 22. Amendment of Article XXII to Add a New Section 2205 to Provide for a Declaration of a Zoning Moratorium

Article XXII of the Richfield Township Zoning Ordinance is hereby amended to add thereto a new Section 2205 to read as follows:

Section 2205. Declaration of a Zoning Moratorium

Notwithstanding any other provision of this zoning ordinance, the Township Board may, by resolution, declare a moratorium on the issuance of any permit under this ordinance, the processing of any permit application hereunder, the processing of any rezoning request, the processing of any site plan review, special land use request, or the processing of any other application made under this zoning ordinance.

Such a moratorium may be declared by the Township Board only under the following conditions:

- a. The Township Board finds, based on facts appearing in the public record before it, that such a moratorium is necessary to protect the public health, safety and welfare and that no other action short of imposing such a moratorium can adequately protect the public health, safety and welfare;
- b. The moratorium is for a limited period of time, not to exceed six (6) months, but may be extended for no more than one (1) additional six (6) month period upon a new and separate finding of the facts required by subsection a, above;
- c. The moratorium is limited in its scope and area of application so as to only affect those matters and that area necessary to protect the public health, safety and welfare;
- d. The resolution declaring the moratorium shall be published in a newspaper of general circulation within the Township;

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- e. The resolution declaring the moratorium shall specify the effective date of such moratorium which may be the date of publication or another date following such publication; and
- f. The resolution declaring the moratorium shall be adopted by a vote of no fewer than five (5) members of the Township Board.

Note: This is optional. Many communities find it necessary on occasion to declare a zoning moratorium to halt development while the community amends its zoning ordinance. Such action is often done by resolution, but that method is very questionable and probably not legal. Adding a provision like this to the Zoning Ordinance establishes a legal basis for declaring a moratorium by resolution and, while not tested yet in court, it represents the most likely way to have a moratorium which is legally defensible.

Section 23. Effective Date.

This ordinance shall be effective on the 8th day following publication.

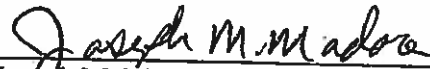
Note: This is the effective date for a zoning ordinance amendment under the Zoning Act.

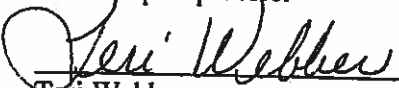
At a regular meeting of the Board of Trustees of Richfield Township held on June 13, 2006, adoption of the foregoing ordinance was moved by Jacques and supported by ^{id} Masters, Schneider and Madore.

Voting for: 5

Voting against: 0

The supervisor declared the ordinance adopted.


Joseph M. Madore
Township Supervisor

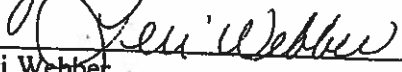

Teri Webber
Township Clerk

CERTIFICATION

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Prepared by
Richard J. Figura, Esq.
April 13, 2009

The foregoing is a true copy of Ordinance No. 120-0 which was enacted by the Richfield
Township Board of Trustees at a regular meeting held on June 14, ~~2009~~ 2011


Teri Webber
Township Clerk

UNPUBLISHED

RICHFIELD TOWNSHIP

ORDINANCE NO. 120-P

AMENDMENT OF ZONING ORDINANCE TO COMPLY WITH STATE LAW

AN ORDINANCE TO AMEND THE RICHFIELD TOWNSHIP ZONING ORDINANCE TO BRING SAID ORDINANCE INTO COMPLIANCE WITH THE MICHIGAN ZONING AND PLANNING ENABLING ACTS, AS AMENDED.

THE TOWNSHIP OF RICHFIELD ORDAINS:

Section 1. Amendment of the Title to Ordinance No. 120, the Richfield Township Zoning Ordinance.

The Title to Ordinance No. 120, the Richfield Township Zoning Ordinance is hereby amended to read as follows:

TITLE

An Ordinance originally enacted pursuant to Public Act 184 of 1943, as amended, (being the Township Zoning Act), governing the unincorporated portions of Richfield Township, Genesee County, Michigan, to provide for the regulation of land development and the establishment of 1 or more districts within the zoning jurisdiction which regulate the use of land and structures to meet the needs of the township's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare; to provide for the regulation of land development and the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion; and to adopt land development regulations designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles. This Ordinance is continued in effect and the continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended (the Michigan Zoning Enabling Act, MCL 125.3101 *et seq*) hereinafter referred to as the "Zoning Act" or the "MZEA" and the

Michigan Planning Enabling Act, P.A. 33 of 2008, hereinafter referred to as the "MPEA."

Section 2. Amendment of definition of "person."

Section 200 of the Richfield Township Zoning Ordinance is hereby amended to change the definition of "person" in subsection 200-7 to read as follows:

200-7 The word "person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

Section 3. Amendment of definition of "airport."

Section 201 of the Richfield Township Zoning Ordinance is hereby amended to change the definition of "airport" in subsection 201-3 to read as follows:

201-3 Airport

An airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327 [MCL 259.86].

Section 4. Amendment to definition of "Family Day Care Home."

Section 201 of the Richfield Township Zoning Ordinance is hereby amended to change the definition of "Family Day Care Home" in subsection 201-46 to read as follows:

201-46 Family Day Care Home

Whenever the term "family day care home" is used in this ordinance it shall mean "family child care home," which is defined in Public Act 116 of 1973 as a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Section 5. Amendment to definition of "Group Day Care Home."

Section 201 of the Richfield Township Zoning Ordinance is hereby amended to change the definition of "Group Day Care Home" in subsection 201-59 to read as follows:

201-59 Group Day Care Home

Whenever the term "group day care home" is used in this ordinance it shall mean "group child care home," which is defined in Public Act 116 of 1973 as a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Section 6. Amendment to add definition of Zoning Act.

Section 201 of the Richfield Township Zoning Ordinance is hereby amended to add thereto a new subsection 201-130 to read as follows:

201-130 Zoning Act; MZEA.

Whenever used in this ordinance, the term "zoning act," "township zoning act," or "MZEA" shall mean the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq.

Section 7. Amendment of Section 1101-7 regarding Public Hearing Notices for Special Land Uses.

Section 1101-7 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

1101-7 Planning Commission Action on Complete Applications for Eligible Uses: Public Hearing and Notice Requirements.

If the Zoning Administrator determines that the application is sufficiently complete to allow substantive review and that the subject use is listed as a special land use in the zoning district in which the subject property is located, the applicant or his/her representative must appear before the Planning Commission which shall hear any person wishing to express an opinion on the application at its next regular meeting, or at a special meeting called for that purpose, provided such regular or special meeting provides adequate time to notify adjacent property owners and others as required by the Zoning Act. Such notice shall be given by the Secretary of the Planning Commission as follows:

- a. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
- b. Notice shall be given as provided under subsection "d" below to the owners of property that is the subject of the special land use request.
- c. Notice shall also be given as provided under subsection "d" below to all persons to whom real property is assessed within 300 feet of the property that is the subject of the special land use request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
- d. The notice under subsections "b" and "c" above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service not less than 15 days before the date of the hearing. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- e. The notice shall do all of the following:
 - (1) Describe the nature of the special land use request.
 - (2) Indicate the property that is the subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

(3) State when and where the special land use request will be considered.

(4) Indicate when and where written comments will be received concerning the special land use request.

Section 8. Amendment of Section 1101-8 regarding the Planning Commission's Decision and Statement of Findings and Conclusions.

Section 1101-8 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

1101-8 Planning Commission Decision; Statement of Findings and Conclusions.

The Planning Commission may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a resolution which contains a statement of findings and conclusions relative to the special land use and which specifies the basis for the decision and any conditions imposed. Actions to approve or approve with conditions shall require a majority vote of all members of the Planning Commission, not just a majority of the quorum present at the meeting. Said resolution may be passed at the meeting at which the application is considered. If the application is found to be inadequate for the commission to render a decision, the commission may postpone further consideration of the application until it receives the additional information requested. If the date of the next review is not set at the time the application is postponed, notice of the next meeting shall be given in the manner set forth in 1101-7 above.

Section 9. Amendment of Section 1201-8 regarding Public Hearing Notices for Planned Residential Developments.

Section 1201-8 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

1201-8 At the meeting during which the planned residential development application is referred to the Planning Commission, the Commission shall determine: 1) if the application is sufficiently complete to allow substantive review, and 2) if the proposed planned residential development obviously fails to meet the requirements of this Ordinance. If the Planning Commission determines that the application is not sufficiently complete to allow substantive review, or that the proposed planned development

obviously does not mean the standards of this Ordinance, then the Planning Commission shall, by resolution of a majority of the quorum present refuse to consider the application. If the Planning Commission determines that the application is sufficiently complete to allow substantive review and that the proposed planned residential development does not obviously violate the requirements of the Ordinance, then the Planning Commission shall hold a public hearing on the application at its next regular meeting, or at a special meeting called for that purpose, provided such regular or special meeting provides adequate time to notify adjacent property owners and others as required by the Zoning Act. Such notice shall be given by the Secretary of the Planning Commission as follows:

- a. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
- b. Notice shall be given as provided under subsection "d" below to the owners of property that is the subject of the PRD request.
- c. Notice shall also be given as provided under subsection "d" below to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
- d. The notice under subsections "b" and "c" above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service not less than 15 days before the date of the hearing. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

- e. The notice shall do all of the following:
 - (1) Describe the nature of the PRD request.
 - (2) Indicate the property that is the subject of the PRD request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - (3) State when and where the PRD request will be considered.
 - (4) Indicate when and where written comments will be received concerning the PRD request.

Section 10. Amendment of Section 1201-9 regarding the Planning Commission's Decision and Statement of Findings and Conclusions.

Section 1201-9 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

1201-9. Planning Commission Decision; Statement of Findings and Conclusions.

- a. The Planning Commission shall by or at its next regularly scheduled meeting following the public hearing at which the PRD application was considered, or at a special meeting called for that purpose, consider a resolution setting forth a statement of its findings and conclusions regarding the requirements set forth herein and shall approve, approve with conditions or disapprove the preliminary application. Such approval, approval with conditions or disapproval shall be based solely on the requirements and standards in this Ordinance.
- b. Actions to approve or approve with conditions shall require a majority vote of all members of the Planning Commission, not just a majority of the quorum present at the meeting.
- c. Approval of a planned residential development preliminary plan shall constitute approval of the layout submitted as a guide to the preparation of the final site plan or plans, but shall not constitute final approval of the final plan or plans.

- d. Final approval may be granted on each phase of a multiphased planned residential development if each phase contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned residential development and the residents of the surrounding area.
- e. In establishing any conditions of any planned residential development approval, the Planning Commission may incorporate by reference other ordinances or statutes which regulate land development.

Section 11. Amendment of Section 1205-4(b)(3) Regarding the Notice Requirements for a Public Hearing for Final Plan Review on a Planned Unit Development Request.

Section 1205-4(b)(3) of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

- 3. Final Plan Review. Within six (6) months of preliminary plan approval, the applicant shall submit to the Zoning Administrator the final plan for the proposed planned unit development project, or for the first phase of the project if the project is proposed for construction in phases. If the final plan is not submitted within the required six month period, the preliminary plan approval shall lapse, and the applicant must re-commence the review process. However, the Planning Commission may extend the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred.

After all application materials have been received and review fees paid, the final plan shall be reviewed in accordance with the following procedures:

- a) The Planning Commission shall hold a public hearing on the application at its next regular meeting, or at a special meeting called for that purpose, provided such regular or special meeting provides adequate time to notify adjacent property owners and others as required by the Zoning Act. Such notice shall be given by the Secretary of the Planning Commission as follows:
 - 1) Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.

- 2) Notice shall be given as provided under subsection "4)" below to the owners of property that is the subject of the PUD request.
- 3) Notice shall also be given as provided under subsection "4)" below to all persons to whom real property is assessed within 300 feet of the property that is the subject of the PUD request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
- 4) The notice under subsections "1)" and "2)" above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service not less than 15 days before the date of the hearing. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- 5) The notice shall do all of the following:
 - (a) Describe the nature of the PUD request.
 - (b) Indicate the property that is the subject of the PUD request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - (c) State when and where the PUD request will be considered.
 - (d) Indicate when and where written comments will be received concerning the PUD request.

- b. Following the public hearing and completion of its review, the Planning Commission shall recommend to the Township Board that the application be approved, disapproved, or approved with conditions. The Planning Commission shall prepare and transmit a report to the Township Board which shall contain its recommendation and a statement of its findings and conclusions in support of its recommendation, including the conditions it recommends if its recommendation is for approval with conditions.
- c. Following receipt of the Planning Commission's report, the application shall be placed on the agenda of the next regularly scheduled Township Board meeting or a special meeting called for that purpose. The Township Board shall review the final plan together with the recommendation of the Planning Commission and its findings and conclusions, and shall schedule a public hearing on the request. Notice of the Township Board's public hearing shall be given in the same manner as is provided for the Planning Commission public hearing in subsection "a" above.
- d. After the public hearing and following completion of its review, the Township Board shall approve, disapprove, or approve with conditions the final plan as follows:
- 1) Approval. Upon a determination by the Township Board that the final plan for the proposed planned unit development is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted. The approval shall be supported by a statement of the findings and conclusions made by the Township Board.
 - 2) Approval with Conditions. The Township Board may impose reasonable conditions on the approval of a planned unit development, to the extent authorized by law, for the purpose of insuring that public services and facilities affected by the proposed development will be capable of accommodating any increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. The conditions imposed shall be designed to protect the natural resources and the public health, safety and welfare of the individuals in the planned unit development, those immediately adjacent thereto and the community as a whole. The conditions imposed shall also

be necessary to meet the intent and purposes of this Ordinance. If the planned unit development is approved with conditions, the conditions shall become a part of the record of approval, and such conditions shall be modified only as provided in Section 1205-8. The approval with conditions shall be supported by a statement of the findings and conclusions made by the Township Board.

- 3) Disapproval. Upon a determination that the proposed planned unit development does not comply with the standards and regulations set forth in this Ordinance, or would otherwise be injurious to the public health, safety, welfare and orderly development of the township, the final plan shall be disapproved. The disapproval shall be supported by a statement of the findings and conclusions made by the Township Board.

Section 12. Amendment of Section 1702-4(e) Relative to Abandonment of Nonconforming Uses and Structures.

Section 1802-4(e) of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

- e. If a property owner abandons a nonconforming use or structure, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. Abandonment can be established by direct evidence, such as in a writing signed by the property owner, or by a preponderance of the evidence that includes the following:
 - 1) Whether utilities have been disconnected.
 - 2) Whether any signs have been removed or have fallen into disrepair.
 - 3) Whether any fixtures within and outside the building have been removed.
 - 4) Whether the property has fallen into disrepair or is considered "blighted."
 - 5) Whether U.S. Mail delivery has been terminated or mail is forwarded to another address.
 - 6) Whether the classification of the property for tax purposes has been changed to reflect another use.

- 7) Whether any licensed associated with the use has expired.
- 8) Whether there are any other similar changes to the nonconforming structure or use.
- 9) Action to determine if a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:
 - a. Ownership or possession of the property is the subject of a pending Probate Court proceeding;
 - b. The property is the subject of an insurance settlement dispute; or
 - c. The property is the subject of an ongoing criminal investigation.

Section 13. Amendment to add a new Section 1702-9 Applying to Appeals of Decisions Regarding Nonconforming Uses or Structures.

Article XVII of the Richfield Township Zoning Ordinance is hereby amended to add thereto a new section 1702-9 to read as follows:

1702-9 Appeal of Decision. Any party aggrieved by any order, determination, or decision of the Zoning Administrator, the Planning Commission, the Township Board or the Zoning Board of Appeals may obtain a review of that decision in the Genesee County Circuit Court, which review shall be in accordance with section 606 of the MZEA.

Section 14. Amendment of Section 2000 Regarding the Creation of the Board of Zoning Appeals.

Section 2000 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

Section 2000. Creation and Membership

There is hereby established a Board of Zoning Appeals which shall perform such duties and exercise such powers as set forth herein. The Board of Zoning Appeals shall consist of five (5) members, appointed by the Township Board as follows:

- 2000 -1 One member shall be a member of the Planning Commission.
- 2000-2 The remaining members, and any alternate members appointed pursuant to section 2002-3, below, shall be electors of the

- Township residing outside of incorporated cities and villages, and shall be representative of the population distribution and of the various interests present in the Township.
- 2000-3 Of the remaining members, one regular or alternate member may be a member of the Township Board.
- 2000-4 No employee or contractor of the Township Board may be a member of the Board of Zoning Appeals.
- 2000-5 No elected officer of the Township may serve as chairman of the Board of Zoning Appeals.
- 2000-6 The Township Board may appoint to the Board of Zoning Appeals not more than 2 alternate members for the same term as regular members. An alternate member may be called to serve as a member of the Board of Zoning Appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Board of Zoning Appeals has the same voting rights as a regular member.
- 2000-7 A member of the Board of Zoning Appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.
- 2000-8 A member of the Board of Zoning Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- 2000-9 The terms of office for members appointed to the Board of Zoning Appeals shall be for 3 years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired.

- 2000-10 A vacancy on the Board of Zoning Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
- 2000-11 The Board of Zoning Appeals shall not conduct business unless a majority of the regular members of the Board of Zoning Appeals are present.
- 2000-12 A member of the Board of Zoning Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

Section 15. Amendment of Section 2003 to Comply with the MZEA.

Section 2003 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

Section 2003. Board of Zoning Appeals; Powers; Concurring Vote of Majority of Members.

- 2003-1 The Board of Zoning Appeals shall hear and decide questions that arise in the administration of this Zoning Ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The Board of Zoning Appeals shall also hear and decide on matters referred to it or upon which it is required to pass under this Zoning Ordinance. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Zoning Ordinance.
- 2003-2 The concurring vote of a majority of the members of the Board of Zoning Appeals is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, to decide in favor of the applicant on a matter upon which the Board of Zoning Appeals is required to pass under this Zoning Ordinance, or to grant a variance under this Zoning Ordinance.

{I deleted a section, previously identified as 2003-2, which precluded the ZBA from hearing appeals of special land uses, planned residential developments or planned unit development decisions}

Section 16 Amendment of Article XX to add new Section 2004, Delete Existing Section 2005 and Renumber Existing Section 2004 as Section 2005.

Article XX of the Richfield Township Zoning Ordinance is hereby amended to renumber existing Section 2004 as Section 2005 and to add a new Section 2004 to read as follows:

- 2004-1 Appeals Generally. An appeal to the Board of Zoning Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or the Township. In addition, a variance in this zoning ordinance may be applied for and granted under the MZEA and under section 4 of the uniform condemnation procedures act, 1980 PA 87. The Board of Zoning Appeals shall state the grounds of any determination made by the board.
- 2004-2 Time for Appeal. An appeal under this section shall be taken within such time as prescribed by the Board of Zoning Appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the Board of Zoning Appeals all of the papers constituting the record upon which the action appealed from was taken.
- 2004-3 Stay of Proceedings. An appeal to the Board of Zoning Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Board of Zoning Appeals or a circuit court.
- 2004-4 Hearing. Following receipt of a written request for a variance, the Board of Zoning Appeals shall fix a reasonable time for the hearing of the request and give notice as provided in Section 2004-8, below.
- 2004-5 Appeal of Administrative Decision; Request for Interpretation. If the Board of Zoning Appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the Board of Zoning Appeals shall conduct a public hearing on the request. Notice of the hearing shall be given as required under Section 2004-8, below. However, if the request does not involve a specific parcel of property, notice need

only be published as provided in Section 2004-8, below, and given to the person making the request as provided in Section 2004-8.

2004-5 At a hearing under Section 2004-5, a party may appear personally or by agent or attorney. The Board of Zoning Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

2004-6 Non-use Variances. If there are practical difficulties in carrying out the strict letter of the requirements of this Zoning Ordinance as applied to a particular property, the Board of Zoning Appeals may grant a non-use, or dimensional, variance in accordance with this Section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. In granting a non-use, or dimensional, variance, the Board of Zoning Appeals may impose conditions as otherwise allowed under this act.

- a. The Board of Zoning Appeals may find that practical difficulties exist only when all of the following conditions are met:
 - 1) Exceptional characteristics of the property for which the variance is sought make compliance with dimensional requirements unnecessarily burdensome or unreasonably prevent the owner from using the property;
 - 2) The characteristics of the property which make compliance with dimensional requirements difficult must be related to unique characteristics of the property;
 - 3) The characteristics of the property which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner of the property;
 - 4) The proposed variance would do substantial justice to the applicant as well as other property owners in the district and will be the minimum necessary, and no variance shall be granted where a different solution not requiring a variance would be possible.
- b. Any variance which authorizes construction contrary to the requirements of this Ordinance shall be void unless the

construction so authorized is commenced within twenty-four (24) months after the granting of the variance and diligently pursued to completion.

2004-7

Use Variances. If there are unnecessary hardships in carrying out the strict letter of the requirements of this Zoning Ordinance as applied to a particular property, the Board of Zoning Appeals may grant a use variance in accordance with this section so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. In granting a use variance, the Board of Zoning Appeals may impose conditions as otherwise allowed under this act.

- a. The Board of Zoning Appeals may find that undue hardships exist only when all of the following conditions are met:
 - 1) Compliance with the strict letter of the Zoning Ordinance regulations would create an unnecessary hardship in that the property could not reasonably be used in a manner consistent with those regulations. Whether the property can reasonably be used for a purpose consistent with the existing zoning regulations depends on whether a reasonable return can be derived from the property as zoned. A showing that the permitted uses are less profitable than the proposed use is insufficient to justify a use variance. There must be evidence before the Board of Zoning Appeals that the land can not be used for the other approved uses in the existing zoning district.
 - 2) Granting of the requested use variance would do substantial justice to the applicant as well as to other property owners in the district.
 - 3) The requested use variance can be granted in such fashion that the spirit of the Zoning Ordinance regulations will be observed and public safety and welfare secured.
 - 4) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or to other similar uses in the same

zoning district. The conditions resulting in a use variance request cannot be self-created. The nonconforming condition of adjacent or nearby properties does not constitute a circumstance justifying the granting of a use variance.

- 5) The granting of a use variance will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
 - 6) The development permitted upon granting of a use variance will relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion with respect to commercially zoned properties, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the Village.
 - 7) The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood
- b. The granting of a use variance requires a vote of 2/3 of the members of the Board of Zoning Appeals.

2004-8

Hearing Notices. Whenever the Board of Zoning Appeals holds a hearing on a matter as provided for in this Article XX, notice of such hearing shall be given in the following manner:

- a. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
- b. Notice shall be given as provided under subsection "d" to the owners of property that is the subject of the request.
- c. Notice shall also be given as provided under subsection "d" to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial

area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

- d. The notice under subsection "b" and "c" is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- e. A notice under this section shall do all of the following:
 - 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.

Section 17. Amendment of Former Section 2004 to Renumber as Section 2005 and to Add thereto Voting requirements for Use Variances.

Existing Section 2005 is deleted and Existing Section 2004 of the Richfield Township Zoning Ordinance is hereby renumbered as Section 2005 and amended to read as follows:

Section 2005. Orders

In exercising its powers, the Board of Zoning Appeals may reverse or affirm wholly or partly, or may modify, any order, requirement, decision or

determination appealed from and may make such order, requirement, decision or determination, as ought to be made, and to that end it shall have all the powers of the Zoning Administrator, Building Inspector, or other body charged with the administration of this Ordinance from whom the appeal is taken.

The majority vote of the total regular membership of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the officer or body appealed from, or to decide in favor of the applicant in any matter upon which it is authorized by this Ordinance to render a decision, except that the granting of a use variance, as provided in Section 2004-7 requires a 2/3 majority of the members of the Board of Zoning Appeals.

The Board of Zoning Appeals may impose conditions with an affirmative decision. The conditions may include conditions necessary to insure that the public services and facilities affected by a proposed variance will be capable of accommodating any increased service and facility loads caused by the variance to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- 2005-1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- 2005-2 Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
- 2004-3 Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a variance shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Board of Zoning Appeals and the landowner. The Board of Zoning Appeals shall maintain a record of conditions which are changed.

- 2005-4 The decision or order of the Board of Zoning Appeals shall be placed in writing and signed by the chairperson if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson.

Section 18. Amendment of Article XX re Appeals from Board of Zoning Appeals Decisions.

Article XX of the Richfield Township Zoning Ordinance is hereby amended to add thereto a new Section 2007 to read as follows:

Section 2007. Appeals

Any party aggrieved by a decision of the Board of Zoning Appeals may appeal to the Genesee County Circuit Court. An appeal to the circuit court must be filed within 30 days after the Board of Zoning Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within 21 days after the Board of Zoning Appeals approves the minutes of its decision.

Section 19. Amendment of Article XXI regarding Composition of Planning Commission.

Article XXI of the Richfield Township Zoning Ordinance is hereby amended to add thereto a new Section 2103 to read as follows:

Section 2103. Composition.

The Planning Commission shall consist of 7 members deemed representative of important segments of the community and, to the extent practicable, of the entire geography of the Township. One member of the Township Board shall serve on the Planning Commission as an ex officio member. Except for ex officio members whose term coincides with the term of the office they hold, all members of the Planning Commission shall be appointed for 3-year terms and, when first appointed, a number shall be appointed to 1-year or 2-year terms such that, as nearly as possible, the terms of 1/3 of all the members will expire each year.

Section 20. Amendment of Section 2202 Regarding Hearing Notices for Ordinance Amendments.

Section 2202 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

Section 2202. Public Hearing

Except as provided in subsection "f," below, all requests for a change in the Zoning Ordinance text or the Zoning Map shall be referred to the Planning Commission which shall consider such request and make a recommendation on said request to the Township Board. Before making its recommendation, the

Planning Commission shall hold a public hearing on the request. Notice of the public hearing shall be given in the following manner:

- a. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
- b. Notice shall be given as provided under subsection "d" to the owners of property that is the subject of the request.
- c. Notice shall also be given as provided under subsection "d" to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. This requirement does not apply when a group of adjacent properties numbering 11 or more is proposed for rezoning.
- d. The notice under subsection "b" and "c" is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- e. A notice under this section shall do all of the following:
 - 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. This requirement to list street addresses is not applicable when a group of adjacent properties numbering 11 or more is proposed for rezoning.

- 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.
 - 5) the places and times at which the proposed text and any maps of the Zoning Ordinance may be examined.
- f. An amendment to conform a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under this Ordinance or the Zoning Act.

Section 21. Amendment of Section 2203 to Comply with The Michigan Zoning Enabling Act.

Section 2203 of the Richfield Township Zoning Ordinance is hereby amended to read as follows:

Section 2203. Township Board Action

- 2203-1 After receiving the recommendation and report of the Township Planning Commission, the Township Board may hold additional public hearings if it wishes. If the Township Board holds a public hearing on the proposed zoning amendment it give notice of such public hearing in the same manner as provided in Section 2202, above. If, after holding such public hearing, the Township Board proposes changes to the amendment as received from the Planning Commission, it shall refer the changes back to the Planning Commission for their recommendation along with a deadline for their comments to be sent back to the Township Board.
- 2203-2 Adoption of the zoning ordinance amendment requires approval of a majority of the membership of the Township Board.
- 2203-3 The Township Board shall grant an opportunity to heard on a proposed ordinance provision to an interested property owner who requests such opportunity to be heard by certified mail, addressed to the Township Clerk. A hearing under this subsection is not subject to the notice requirements for a public hearing under this Zoning Ordinance or the Zoning Act, but notice of the time and place when the property owner may be heard by the Township Board shall be given to the interested property owner as follows:
- a. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery

with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the property owner will be heard.

- b. The notice under this section shall do all of the following:
- 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. This requirement to list street addresses is not applicable when a group of adjacent properties numbering 11 or more is proposed for rezoning.
 - 3) State when and where the property owner will be heard with respect to the request.
 - 4) Indicate when and where written comments will be received concerning the request.

Section 22. Amendment of Article XXII To Add a New Section Regarding Conditional Rezoning.

Article XXII is hereby amended to add a new Section 2204 thereto to read as follows:

Section 2204. Conditional Rezoning

2204-1 Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of the Zoning Act by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

2204-2 Application and Offer of Conditions.

- a. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- b. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
- c. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new land use district.
- d. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- e. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if such variance is ultimately granted by the Board of Zoning Appeals in accordance with the provisions of this Ordinance.
- f. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- g. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily in writing by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new

public hearing with appropriate notice and a new recommendation.

2204-3 Planning Commission Review.

- a. The Planning Commission, after public hearing, notice of which is given in accordance with the Zoning Act, and consideration of the factors for rezoning set forth in this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered in writing by the owner.
- b. In performing its review under this section, the Planning Commission may retain whatever planning and legal assistance it needs to permit it to adequately review the proposed conditional rezoning and the conditions to be attached thereto as well as the proposed Statement of Conditions which would be attached to the conditional rezoning as set forth in Section 2204-5 below.
- c. The cost of such legal and/or planning assistance shall be borne by the owner(s) of the subject property and the Township may require that the estimated cost of such legal and/or planning assistance be deposited with the Township prior to retaining such assistance. Following completion of the conditional rezoning process, any sums deposited with the Township in excess of the sum required for such legal and/or planning assistance shall be refunded forthwith to the owner(s). Likewise, any sums owed by the owner(s) to the Township in excess of those deposited shall be paid forthwith.

2204-4 Township Board Review.

- a. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner in writing, then the Township Board

shall, in accordance with Section 405 of the Michigan Zoning Enabling Act refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

- b. In performing its review under this section, the Township Board may retain any additional planning and legal assistance it needs to permit it to adequately review the proposed conditional rezoning and the conditions to be attached thereto as well as the proposed Statement of Conditions which would be attached to the conditional rezoning as set forth in Section 2204-5 below.
- c. The cost of such legal and/or planning assistance shall be borne by the owner(s) of the subject property and the Township may require that the estimated cost of such legal and/or planning assistance be deposited with the Township prior to retaining such assistance. Following completion of the conditional rezoning process, any sums deposited with the Township in excess of the sum required for such legal and/or planning assistance shall be refunded forthwith to the owner(s). Likewise, any sums owed by the owner(s) to the Township in excess of those deposited shall be paid forthwith.

2204-5 Approval.

- a. If the Township Board finds the rezoning request and offer of conditions acceptable and all fees due from the owner(s) have been paid, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
- b. The Statement of Conditions shall:
 - 1) Be in a form recordable with the Register of Deeds of Genesee County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner

giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

- 2) Contain a legal description of the land to which it pertains.
 - 3) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - 4) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - 5) Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Genesee County.
 - 6) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- c. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- d. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Genesee County. The owner(s) of the subject land shall reimburse the Township for the cost of such recording, as well as any other costs provided for in this Ordinance, prior to implementing the use authorized by the conditional rezoning.

- e. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new land use district as modified by any more restrictive provisions contained in the Statement of Conditions.

2204-6 Compliance with Conditions.

- a. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- b. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

2204-7 Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

2204-8 Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G

above, then the land shall revert to its former zoning classification as set forth in the Zoning Act. The reversion process shall be confirmed by the Township Board after receiving a report from the Zoning Administrator, concurred in by the Planning Commission after notice to the owner(s) of the subject property, that the approved development and/or use of the rezoned land did not occur within the time frame specified under Section 2204-7 above.

2204-9 Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 2204-8 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Township Clerk shall record with the Register of Deeds of Genesee County a notice that the Statement of Conditions is no longer in effect.

2204-10 Amendment of Conditions.

- a. During the time period for commencement of an approved development or use specified pursuant to Section 2204-7 above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
- b. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

2204-11 Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Act.

2204-12 Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of

conditions shall not affect an owner's rights under this Ordinance.

Section 23. Amendment of Article XXII to Add a New Section 2205 to Provide for a Declaration of a Zoning Moratorium

Article XXII of the Richfield Township Zoning Ordinance is hereby amended to add thereto a new Section 2205 to read as follows:

Section 2205. Declaration of a Zoning Moratorium

Notwithstanding any other provision of this zoning ordinance, the Township Board may, by resolution, declare a moratorium on the issuance of any permit under this ordinance, the processing of any permit application hereunder, the processing of any rezoning request, the processing of any site plan review, special land use request, or the processing of any other application made under this zoning ordinance.

Such a moratorium may be declared by the Township Board only under the following conditions:

- a. The Township Board finds, based on facts appearing in the public record before it, that such a moratorium is necessary to protect the public health, safety and welfare and that no other action short of imposing such a moratorium can adequately protect the public health, safety and welfare;
- b. The moratorium is for a limited period of time, not to exceed six (6) months, but may be extended for no more than one (1) additional six (6) month period upon a new and separate finding of the facts required by subsection a, above;
- c. The moratorium is limited in its scope and area of application so as to only affect those matters and that area necessary to protect the public health, safety and welfare;
- d. The resolution declaring the moratorium shall be published in a newspaper of general circulation within the Township;
- e. The resolution declaring the moratorium shall specify the effective date of such moratorium which may be the date of publication or another date following such publication; and
- f. The resolution declaring the moratorium shall be adopted by a vote of no fewer than five (5) members of the Township Board.

Section 24. Effective Date.

This ordinance shall be effective on the 8th day following publication.

At a regular meeting of the Board of Trustees of Richfield Township held on February 12, 2013, adoption of the foregoing ordinance was moved by Joseph M. Madore and supported by Gerald Matias

Voting for: 5

Voting against: 0

The supervisor declared the ordinance adopted.

Joseph M. Madore
Joseph M. Madore
Township Supervisor
Teri Webber
Teri Webber
Township Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 120-P which was enacted by the Richfield Township Board of Trustees at a regular meeting held on 2-12, 2013

Teri Webber
Teri Webber
Township Clerk

RICHFIELD TOWNSHIP ORDINANCE NO. 120-Q.

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT."

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

That Richfield Township Zoning Ordinance No. 120, approved September 12, 2000 and effective October 20, 2000, is hereby amended by amended Article III, Section 301.

SECTION 2.

Zoning of the following described property is changed from CB (Commercial Business) District to SRA (Suburban Residential Agricultural) District.


Part of 16-17-300-027: A parcel of land located in the SW 1/4 of Section 17, T8N-R8E, Township of Richfield, Genesee County, Michigan, described as follows: Commencing at the SW corner of said Section 17; thence N along the W line of Section 17 a distance of 807.85 feet to the point of beginning of this description; thence continuing along said W line of Section 17, N 124.00 feet; thence leaving said W line N89°38'11"E 496.08 feet (previously recorded E494.7 feet); thence S00°12'22"W (previously recorded S) 124.00 feet; thence S89°38'09"W 495.63 feet to the point of beginning. Containing 1.41 acres of land more or less and being subject to that part now used as Irish Road so-called. Also being subject to any easements, right-of-ways or restrictions of record.

SECTION 3.

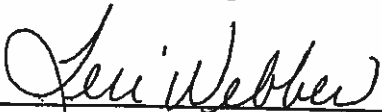
Penalty for violation of this ordinance shall be the same as cited in Section 2600 of Article XXVI of Richfield Township Zoning Ordinance No. 120, of which this ordinance is amendatory.

SECTION 4.

This ordinance is to take effect eight (8) days after passage and publication thereof.

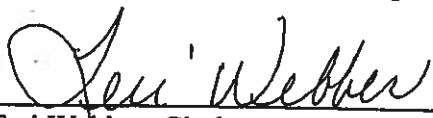


Joseph M. Madore, Supervisor



Teri Webber, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Board on the day of March 12, 2013.


Teri Webber, Clerk

Publication Date: March 21, 2013

Effective Date: March 29, 2013

RICHFIELD TOWNSHIP ORDINANCE NO. 120-R

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 120, BEING THE RICHFIELD TOWNSHIP ZONING ORDINANCE, WHICH WAS ENACTED IN ACCORDANCE WITH AND UNDER THE AUTHORITY OF ACT NO. 184 OF THE PUBLIC ACTS OF MICHIGAN FOR 1943, AS AMENDED, KNOWN AS THE "TOWNSHIP RURAL ZONING ACT."

THE TOWNSHIP OF RICHFIELD ORDAINS:

SECTION 1.

AMENDMENT OF ARTICLE IV SECTION 402-19; ARTICLE V SECTION 502-12 & ARTICLE VI SECTION 602-10 OF THE ZONING ORDINANCE FOR THE TOWNSHIP OF RICHFIELD.

The Planning Commission hereby amends Article IV Section 402-19; Article V Section 502-12 & Article VI Section 602-10 of Ordinance No. 120 by adding "non-motorized trails" to read as follows:

Public and private recreation and service facilities such as community buildings, gymnasiums, swimming pools, beaches, boat launching facilities and non-motorized trails.

SECTION 2.

AMENDMENT OF ARTICLE XI SECTION 1105-4B OF THE ZONING ORDINANCE FOR THE TOWNSHIP OF RICHFIELD.

The Planning Commission hereby amends Article XI Section 1105-4b of Ordinance No. 120 by increasing the extended stay sites permitted to 22% of recreation vehicle sites in a campground from 20% to read as follows:

Extended stay sites. Twenty-two percent of the recreational vehicle sites in a campground and recreational vehicle park may be occupied by the same recreational vehicle, provided that:

SECTION 3.

AMENDMENT OF ARTICLE IV SECTION 403-2B; ARTICLE V SECTION 503-2B; ARTICLE VI SECTION 603-2A & ARTICLE VII SECTION 703-2A OF THE ZONING ORDINANCE FOR THE TOWNSHIP OF RICHFIELD.

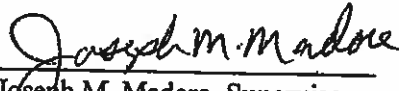
The Planning Commission hereby amends Article IV Section 403-2b; Article V Section 503-2b; Article VI Section 603-2a & Article VII Section 703-2a of Ordinance No. 120 by changing the wording to read as follows:

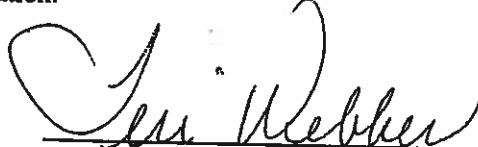
Any accessory land and/or structure uses customarily incidental to principle uses that have been permitted as special land uses also require special land use approval.

SECTION 4.

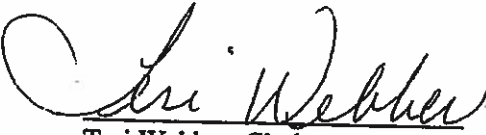
EFFECTIVE DATE

This Ordinance shall take effect upon publication.


Joseph M. Madore, Supervisor


Teri Webber, Clerk

I, the undersigned Clerk of the Township of Richfield, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Richfield Township Planning Commission on the day of June 7, 2016.


Teri Webber, Clerk

Publication Date: July 21, 2016

Effective Date: July 21, 2016